

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: June 18, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 033-19 FOR 6/23/20 CLOSED-  
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ( )</u>	<u>Uniform-Yes (X) No ( )</u>
-----------------	-------------	-------------	----------------------------	-------------------------------

Rampart	7/16/19	6:43 p.m.		
---------	---------	-----------	--	--

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
--	--------------------------

Barrera, J./ PO II	2 years, 8 months
Yah Camara, R./PO II	2 years, 8 months
Nelson, P./PO II	2 years, 8 months

Total Involved Officer(s)

2 x Sgt. I  
6 x PO II

<u>Suspect</u>	<u>Deceased ( )</u>	<u>Wounded (X)</u>	<u>Non-Hit ( )</u>
----------------	---------------------	--------------------	--------------------

Herbert Vasquez: Male Hispanic, 49 years.

**COP Recommendations**

**Tactics** – Tactical Debrief, Sergeants Alfaro and Emerick, along with Officers Barrera, Canales, Carlson, Nelson, Williams and Yah Camara.

**Drawing/Exhibiting** – In Policy, No Further Action, Sergeant Emerick, along with Officers Barrera, Carlson, Nelson, Williams and Yah Camara.

**Less-Lethal Use of Force** – In Policy, No Further Action, Officers Nelson and Yah Camara.

**Lethal Use of Force** – In Policy, No Further Action, Officer Barrera.

**IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Less-Lethal Use of Force** – Same as COP.

**Lethal Use of Force** – Same as COP.

## **Table of Contents**

I. Investigation	
i. Annotated Force Investigation Division (FID) Incident Summary	p. 3
II. Chief of Police Report	
i. Chief of Police Findings	p. 39
ii. Chief of Police Analysis	p. 39
III. Inspector General Review	
i. Inspector General Analysis	p. 76
ii. Inspector General Recommendations	p. 78

## **INVESTIGATION**

**Synopsis:** On Tuesday July 16, 2019, at approximately 1807 hours, Rampart Patrol Division uniformed police officers responded to a radio call of a man disturbing the peace. The comments of the radio call indicated that the suspect was under the influence of narcotics and hallucinating.

Upon arrival, the officers were directed to the suspect, who was inside a bedroom behind a closed door. The officers knocked on the door, verbally identified themselves as police officers and ordered the suspect to exit the bedroom multiple times. He did not comply with their commands. As an officer opened the bedroom door, the suspect emerged holding a machete, resulting in an Officer-Involved Shooting (OIS).

### **Annotated Force Investigation Division (FID) Incident Summary<sup>1</sup>**

On Tuesday July 16, 2019, Witness Maria Del Carmen Gutierrez, was at her residence located at 309 North Commonwealth Avenue. According to Gutierrez, she resided at this location with her husband, Armando Ortiz Padilla and subtenants Feliciano Giron and Herbert Vasquez (Suspect).<sup>2</sup>

**Note:** The location was a small two-bedroom apartment located on the second floor of a duplex. According to Witness Gutierrez, she and her husband (Witness Padilla) have been subletting one of their bedrooms to Vasquez for the past seven weeks. A small room, adjacent to the kitchen, was used as an additional living space/bedroom for Giron.

[...]

According to Witnesses Gutierrez and Padilla, they met Vasquez through mutual acquaintances, Witnesses William Alonzo and Maria Terrazas, a married couple. A few weeks after Vasquez moved in, Alonzo advised them that Vasquez smokes crystal methamphetamine. Gutierrez was upset that Alonzo did not warn her about the substance abuse, but ultimately decided to keep Vasquez as a subtenant.

**Note:** According to Alonzo, he knew Vasquez for approximately four or five months at the time of this incident. Vasquez was a former co-worker of his, who had a history of narcotic use and violent behavior. Alonzo added that it was common for Vasquez to hallucinate while under the

---

<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

<sup>2</sup> Herbert Vasquez, male Hispanic, 5 feet 4 inches tall, 145 pounds, with a date of birth of January 11, 1970. Vasquez was wearing a red shirt, black trousers and black shoes at the time of the incident.

influence of methamphetamine. According to Alonzo, Vasquez was recently terminated for carrying a machete at work and verbally threatening co-workers.

According to Padilla, the day Vasquez moved into his residence, he noticed that Vasquez was in possession of a machete. Vasquez informed Padilla that he used the machete for work in construction.

According to Gutierrez and Padilla, in the week leading up to this incident, Vasquez' behavior was very strange. They noticed that Vasquez locked himself inside of his bedroom for several days and did not appear to be eating or using the restroom. Padilla also noticed a foul smell emitting from Vasquez' bedroom. He knocked on Vasquez' door and requested to speak with him but received no response.

According to Gutierrez and Padilla, Vasquez would periodically open his bedroom door and peek up and down the hallway. On the day of the incident, Vasquez left his door open briefly and Gutierrez looked inside. She observed beer inside of the room and formed the opinion that Vasquez was possibly under the influence of alcohol. Vasquez' strange behavior caused Gutierrez and Padilla to become fearful of him.

On the day of this incident, Gutierrez called Alonzo and requested his assistance with Vasquez. According to Alonzo, Gutierrez informed him that Vasquez was on drugs and becoming violent. Alonzo was at work when Gutierrez called, but agreed to stop by at the end of his shift.<sup>3</sup>

When Alonzo finished his work day, he and Terrazas drove to Gutierrez' residence. According to Terrazas, when they arrived at the location, she exited the vehicle and approached the residence, while Alonzo looked for a parking space. She met with Gutierrez on the front porch and discussed going to Rampart Police Station to report Vasquez' behavior.<sup>4</sup> During the conversation, Terrazas was standing outside with her back to the front door.

According to Terrazas, without provocation, Vasquez approached her from behind, pulled her hair and yelled, "*this motherfucker*".<sup>5</sup> Terrazas struggled and was able to free her hair from Vasquez' grasp. After the assault, Vasquez fled to his bedroom (west bedroom). According to Terrazas, she and Gutierrez ran downstairs toward Alonzo, entered their vehicle, and drove to Rampart Police Station. Padilla was hesitant to leave Vasquez alone in the residence, therefore, he and Giron remained at the location.

**Note:** According to Padilla, Vasquez called Terrazas a *prostitute* during the assault.

---

<sup>3</sup> Gutierrez estimated that she called Alonzo between approximately 1400 and 1500 hours.

<sup>4</sup> During her interview, Terrazas referred to Gutierrez as "Mrs. Carmen."

<sup>5</sup> Terrazas, Page 10, Lines 5-10.

According to Witness Padilla, after Gutierrez, Terrazas and Alonzo left the location, Vasquez exited his bedroom and approached Giron, who was sitting at the kitchen table. Vasquez raised his fist as if he was going to punch Giron. According to Padilla, Giron remained still and did not react to Vasquez' actions. Vasquez then walked back to his bedroom.

**Note:** According to Gutierrez, the incident between Vasquez and Giron occurred prior to the assault on Terrazas. She observed Giron react to Vasquez' actions by pushing him away.

It was unclear whether Padilla and Gutierrez were describing the same incident, or if there were two incidents involving Vasquez and Giron.

According to Giron, he was never physically assaulted by Vasquez (Investigators' Note No.1).

According to Gutierrez, she spoke with a female officer at Rampart Station who advised them to contact Communications Division (CD) to report the incident. The officer provided Gutierrez with a business card that contained a phone number for CD.<sup>6</sup> According to Terrazas, she felt nervous and afraid, therefore, did not tell Alonzo or the police officer that she was assaulted by Vasquez. Alonzo called CD and reported the incident (Investigators' Note No. 2).

**OIG Note No. 1:** *During his 9-1-1 call to CD, Alonzo reported to the Radio Telephone Operator (RTO) that Vasquez was trying to "hurt" people. Alonzo told the RTO, "He is doing badly, he is hallucinating, he is having hallucinations. He is trying to hurt the people and the owners of the home are outside of the house because they are afraid of him." The RTO did not ask Alonzo for additional information regarding Vasquez's attempt to hurt people, and there was no evidence indicating that this specific information was relayed to responding officers.*<sup>7</sup>

At approximately 1803:11 hours, CD broadcast, "Any Rampart unit, 415 Man, 309 North Commonwealth Avenue, the suspect, male Hispanic, under the influence and hallucinating, Code-Two, Incident 5277, RD 212."

At approximately 1807 hours, Rampart Patrol Division, uniformed Police Officers II Ruben Yah, Serial No. 42823 (driver), and Jose Barrera, Serial No. 42791 (passenger), Unit 2A68, advised CD they would handle the call and responded to the location Code-

---

<sup>6</sup> Terrazas, Gutierrez and Alonzo spoke Spanish only. The phone number provided by the officer was the Spanish line for CD, at (213) 928-8222.

<sup>7</sup> Transcript of 9-1-1 call, Page 3, Lines 5-9.

Two.<sup>8</sup> According to Officer Barrera, as they responded to the location, he read the comments of the radio call out loud to his partner.

**Note:** The Department Roster identified Officer Yah as Yah Camara; however, he will be referred to as Officer Yah throughout this investigation.

According to Officer Yah, based on the comments of the radio call, he assumed the suspect was outside.

At approximately 1810 hours, the officers arrived at scene and Officer Barrera went Code Six via their Mobile Data Computer (MDC).<sup>9</sup> According to Officer Yah, they didn't see anyone in the area that matched the suspect's description. Officer Barrera requested CD to contact the person reporting and obtain further information. While they waited for a response, Officer Yah drove around the block.

At approximately 1813:40 hours, as captured by BWV, Officers Barrera and Yah were flagged down by Alonzo, who was seated in a gold Sport Utility Vehicle (SUV), parked on Oakwood Avenue west of Commonwealth Avenue.<sup>10</sup> According to Officer Yah, Alonzo informed them that Vasquez was inside the residence and under the influence of crystal methamphetamine. Alonzo drove to the location, followed by the officers.

**Note:** According to Officer Barrera, Alonzo was on foot when he flagged them down.

According to Witnesses Alonzo and Terrazas, they flagged the officers down near the 7-Eleven convenience store, located at the intersection of Temple Street and Virgil Avenue.

Officer Yah parked their police vehicle north of the location, along the west curb of Commonwealth Avenue. Both officers exited the vehicle, activated their BWV, and met

---

<sup>8</sup> Officer Barrera, 2 years 8 months with the Department, 24 years of age, 6 feet 2 inches tall and 215 pounds. Officer Yah, 2 years 8 months with the Department, 28 years of age, 5 feet 11 inches and 190 pounds. Officers Barrera and Yah were both fluent in Spanish. The officers were each wearing a ballistic vest, had a Department-approved pistol, a TASER, Oleoresin Capsicum Spray (OC), one pair of handcuffs, a Hobble Restraint Device (HRD), a collapsible baton and a 40 mm Less-Lethal Launcher stored within their vehicle. Both officers were also wearing Body Worn Video (BWV). Officers Barrera and Yah were classmates in the Los Angeles Police Department (LAPD) Academy and had worked together for approximately six to eight deployment periods at the time of this incident. According to Officers Barrera and Yah, they regularly discuss tactics, including the subjects of contact and cover and less-lethal options. Officer Barrera is left hand dominant and Officer Yah is right hand dominant.

<sup>9</sup> The officers' arrival time was gleaned from the CD Incident Recall printout.

<sup>10</sup> The time was gleaned from Officer Barrera's BWV.

with Witnesses Alonzo, Gutierrez and Terrazas in front of the location (Investigators' Note No. 3).<sup>11</sup>

As captured on BWV, Officer Yah asked Alonzo what Vasquez' name was and Alonzo replied, "*Herbert*." Gutierrez advised the officers that Vasquez was her tenant and provided them with a brief physical description of him.<sup>12</sup> Gutierrez further stated that Vasquez was under the influence of narcotics and behaving erratically.

Officer Yah asked Gutierrez if Vasquez had any weapons and she replied, "*No*."<sup>13</sup> Gutierrez then directed the officers upstairs to her residence. As the officers walked toward Gutierrez' residence, she advised them that Vasquez was alone in his bedroom, but her husband was inside of the location as well. Officer Yah directed Gutierrez to wait at the bottom of the stairs.

Padilla met the officers on the front porch and directed them to Vasquez' bedroom (west bedroom), which was at the end of a short and narrow hallway, on the south west corner of the residence.<sup>14</sup> The bedroom door was closed, faced in a northerly direction, and opened outwardly. There was an additional bedroom on the east side of the hallway (east bedroom), with a closed door that faced in a westerly direction and opened inward.

[...]

According to Officer Yah, Padilla informed him that Vasquez' door was locked. Padilla advised the officers that Vasquez was dangerous and wanted him removed from the residence. Officer Barrera explained the eviction process to Padilla and directed him to wait downstairs. Prior to exiting the residence, Padilla informed the officers that Vasquez only spoke Spanish.

Officer Yah walked to the south end of the hallway and positioned himself just east of Vasquez' door. As he did so, Officer Barrera remained near the north end of the hallway. Officer Yah opened the east bedroom door and looked inside to ensure no one else was inside.

Officer Yah knocked on Vasquez' door and received no response. Using his right hand, Officer Yah attempted to open the bedroom door, but it was locked. Officer Yah yelled, "*Herbert*" and advised Officer Barrera that the door was locked. Officer Barrera yelled,

---

<sup>11</sup> The entire conversation between the officers and witnesses was conducted in Spanish.

<sup>12</sup> Gutierrez described Vasquez as a short stature male, approximately 30-40 years old.

<sup>13</sup> Captured on Officers Barrera and Yah's BWV at approximately 1816:40 hours.

<sup>14</sup> The length of the hallway was approximately five and a half feet, with a width of approximately three and a half feet.

*“Hey, Herbert”* at which time a metallic sound emitted from Vasquez’ bedroom.<sup>15</sup> Officer Yah’s BWV captured him state in a low voice, *“I heard something”* but did not advise Officer Barrera what he heard. Officer Barrera did not react to Officer Yah’s statement.

**Note:** According to Officer Yah, he just heard movement inside the bedroom and didn’t feel the need to tell his partner.

Officer Barrera verbally identified themselves as police officers and asked Vasquez if they could speak with him.<sup>16</sup> At that time, Officer Yah redeployed backward and sought cover in the doorway of the east bedroom. Simultaneously, Officer Barrera stepped back and utilized the east wall of the hallway as cover.

Officer Yah asked Vasquez, *“Que esta pasando”* (what is happening) and reached for the door handle with his right hand. Before Officer Yah touched the handle, Officer Barrera directed him to get cover. Officer Yah pointed to the east bedroom and advised Officer Barrera that he could seek cover there. Officer Barrera advised Officer Yah that he would be able to see Vasquez’ hands from his position, on the north end of the hallway.

At approximately 1818:44 hours, Officer Yah decided to try Vasquez’ door a second time. Using his right hand, Officer Yah pushed down on the door handle and pulled the door open. After opening the door, Officer Yah quickly redeployed to the doorway of the east bedroom.

As the door opened, Officer Barrera observed Vasquez standing in the bedroom holding what he believed was two metal poles or pipes; one in each hand.

**OIG Note No. 2:** *Officer Barrera described the length of the pipes/poles as “like ten inches or I don’t know, two feet long...”*<sup>17</sup>

As captured on BWV, Officer Barrera unholstered his pistol and pointed the muzzle in a southerly direction toward Vasquez. According to Officer Barrera, *“The reason I unholstered my pistol was because I saw the suspect armed with two objects where I reasonably believed were two metal pipes. And then my partner was maybe three feet away from him after he opened the door...I thought he was going to be unpredictable and attack my partner and cause serious bodily injury.”*<sup>18</sup>

---

<sup>15</sup> The sound was captured by the officers’ BWV at approximately 1818:25 hours; however, neither officer articulated hearing the sound at this time.

<sup>16</sup> Officers Barrera and Yah communicated with the suspect primarily in Spanish throughout the incident.

<sup>17</sup> Barrera, Page 8, Lines 17-18.

<sup>18</sup> Barrera, 1<sup>st</sup> interview, Page 26, Lines 16-24.



Officer Barrera yelled, “*Drop it*” (referring to the metal poles/pipes) but Vasquez did not comply with the command.<sup>19</sup> Instead, Vasquez quickly pulled the door closed. Officer Barrera immediately advised his partner that Vasquez had something in his hands. Officer Yah suggested they request an additional unit and a supervisor.<sup>20</sup>

At approximately 1819:03 hours, Officer Barrera requested an additional unit for a 415 man. While making the broadcast, Officer Barrera held his radio in his right hand and his pistol in his left hand, in a low-ready position, with the muzzle facing in a southerly direction, toward Vasquez’ bedroom. Once the broadcast was complete, Officer Barrera transitioned back to a two-hand, low-ready position, with the muzzle pointed toward Vasquez’ bedroom. Meanwhile, Officer Yah was standing in the doorway of the east bedroom and was not in Officer Barrera’s background.

**Note:** According to Officer Barrera, he didn’t request a back-up because Vasquez went back into his bedroom and closed the door.

Officer Barrera directed Officer Yah to try opening the door again and advised Yah to be careful because Vasquez was holding something in his right hand. Officer Barrera also informed Officer Yah that Vasquez was wearing a red long-sleeve shirt. He advised Officer Yah to redeploy backward if necessary.

At approximately 1819:23 hours, Rampart Patrol Division, uniformed Police Officers II Dean Williams, Serial No. 41952, (driver) and Brenna Carlson, Serial No. 43122, (passenger) Unit 2A92, advised CD they were en route to the additional unit request.<sup>21</sup> They responded to the location Code Two. According to Officer Williams, during their response, Officer Carlson read the comments of the radio all to him.

Rampart Patrol Division, uniformed Police Officer II Patrick Nelson, Serial No. 42809, Unit 2XL14, also heard the request and responded to the location Code Two.<sup>22</sup> At approximately 1819:37 hours, Officer Barrera requested a supervisor.

Officer Yah asked Officer Barrera to contact the witnesses, to see if Vasquez suffered from mental illness. Officer Barrera agreed, and directed Officer Yah to take his

---

<sup>19</sup> The command to “*drop it*” was given in English.

<sup>20</sup> The video was gleaned from Officer Barrera’s BWV.

<sup>21</sup> Officer Williams, 4 years 7 months with the Department, 27 years of age, 6 feet 4 inches tall and 225 pounds. Officer Carlson, 2 years with the Department, 26 years of age, 5 feet 7 inches tall and 140 pounds. The officers were each wearing a ballistic vest, a Department-approved pistol, a TASER, OC Spray, handcuffs, hobble and a side-handle baton (PR24). Both officers were also wearing BWV and had a bean bag shotgun and a 40 mm Less Lethal Launcher stored in the trunk of their police vehicle.

<sup>22</sup> Officer Nelson, 2 years 8 months with the Department, 24 years of age, 6 feet tall, and 195 pounds. Officer Nelson was wearing a ballistic vest, and carried a Department-approved pistol, TASER, handcuffs, OC Spray, and a hobble. He was also equipped with BWV and had a 40 mm Less Lethal Launcher stored within his vehicle with his side- handle baton.

position on the north end of the hallway. Officer Yah acknowledged this and walked in his direction. As he did so, Officer Barrera lowered his pistol as to not cover Officer Yah with the muzzle.

At approximately 1819:58 hours, as captured by BWV, Officer Barrera holstered his pistol and walked out of the residence, followed by Officer Yah. Officers Barrera and Yah both asked Witness Padilla if Vasquez suffered from mental illness and Padilla replied, “No.” Officers Barrera and Yah walked back inside to the hallway. Officer Yah again knocked on Vasquez’ door and continued to verbalize with Vasquez. According to Officer Yah, Vasquez’ responses were mostly incoherent. On a few occasions, Vasquez referenced his daughters and informed the officers that he intended to leave the residence at 1900 hours.

**Note:** According to Officer Barrera, he holstered his pistol prior to requesting an additional unit.<sup>23</sup>

Officer Yah followed Officer Barrera outside in lieu of holding his position on the north end of the hallway as requested. An analysis of the BWV evidence determined that Vasquez’ bedroom door was left unmonitored for approximately 19 seconds. According to Officer Yah, he followed Officer Barrera outside so they would not be separated.

As captured on BWV at approximately 1820:57 hours, Officer Yah advised Officer Barrera that he was going to open Vasquez’ door. Officer Barrera advised that he would provide cover and directed Officer Yah to back into the east bedroom once the door was open. Using his left hand, Officer Yah opened the door and quickly redeployed into the east bedroom. As he did so, Officer Barrera unholstered his pistol, stepped to the left, and utilized the east hallway wall as cover.

Once the door was open, Officer Barrera observed Vasquez standing in the bedroom near the doorway. Officer Barrera held his pistol in a one-handed, low-ready position with the muzzle pointed in Vasquez’ direction. Officer Barrera ordered Vasquez to come here and motioned with his right hand for Vasquez to exit the room.<sup>24</sup> Vasquez did not comply with the command and immediately closed the door. Officer Yah exited the east bedroom and joined Officer Barrera on the north end of the hallway/living room area.

At approximately 1821:57 hours, Rampart Area, Gang Enforcement Detail (GED), uniformed Sergeant I Brian Alfaro, Serial No. 38481, Unit 2G30, advised CD he would respond to the scene. He responded to the location Code Two.

---

<sup>23</sup> Barrera, 1<sup>st</sup> interview, Page 81, Lines 4-15.

<sup>24</sup> Officer Barrera ordered Vasquez to, “*ven aqui*” which translates to *come here* in English.

According to Officer Barrera, he was concerned about Vasquez' mental state and wanted to de-escalate the situation. He believed Vasquez may be a danger to others, and meet the criteria for a mental evaluation hold, Welfare and Institutions Code (WIC) 5150.<sup>25</sup>

According to Officer Barrera, "So we just wanted to get him to willingly come out and then detain him for the 5150. And then, you know, ask him the three questions. Contact MEU and go from there."<sup>26</sup>

While they were waiting for the additional unit and supervisor to arrive at scene, Officer Barrera continued to verbalize with Vasquez and attempted to establish a rapport with him. Officer Barrera verbally identified himself to Vasquez and asked him if he was hearing voices or desired to hurt himself. Officer Barrera tried to encourage Vasquez to exit the bedroom and talk with them, but he refused their requests. Officer Barrera even asked Vasquez if he would like to speak with a therapist. Throughout the incident, Vasquez would periodically move the door handle up and down, but never opened the door.

According to Officer Yah, "...When we were at scene, we were trying to de-escalate the situation by trying to like talk to the...talk to the suspect. We were telling him we're there for him. He's not in any trouble. We're trying to help him out and get him help."<sup>27</sup>

At approximately 1822:20 hours, Officer Yah exited the apartment and spoke with witnesses. As he did so, Officer Barrera remained at the north end of the hallway, monitoring Vasquez' door. Witness Gutierrez informed Officer Yah that Vasquez' bedroom did not have an exterior door; however, it did have a window.

At approximately 1824:26 hours, Officer Barrera asked CD to verify if a supervisor was responding to their location.<sup>28</sup> CD advised that Unit 2G30 (Sergeant Alfaro) was en route.

Officer Nelson was the first additional unit at scene, arriving at approximately 1824:26 hours.<sup>29</sup> Officer Nelson went Code Six via his MDC and activated his BWV as he walked up the stairwell. Officer Barrera provided Officer Nelson with a synopsis of the incident, informed him that Vasquez was a possible narcotic user, had been acting

---

<sup>25</sup> Per the Welfare and Institutions Code, the criteria for a 5150 evaluation is as follows: When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled.

<sup>26</sup> Barrera, 1<sup>st</sup> interview, Page 23, Lines 5-8.

<sup>27</sup> Yah, 1<sup>st</sup> interview, Page 30, Line 24 – Page 31, Line 4.

<sup>28</sup> The broadcast time was gleaned from Officer Barrera's BWV.

<sup>29</sup> The arrival time was gleaned from Officer Nelson's BWV.

strange, but no actual crime had occurred. Officer Barrera advised Officer Nelson that they opened Vasquez' door and observed something in his hands.

**Note:** According to Officer Yah, Officer Barrera informed Officer Nelson that Vasquez was armed with metal pipes. A review of the BWV determined that Officer Barrera did not describe the object Vasquez was holding to Officer Nelson, nor did Officer Nelson ask for clarification.

Officer Nelson asked Officer Barrera if he should retrieve his 40-millimeter launcher, to have it available and Officer Barrera replied in the affirmative. Officer Nelson then went to his police vehicle to retrieve it (Investigators' Note No. 4).

**Note:** After Officer Nelson exited the residence, Officer Barrera advised Officer Yah that Vasquez was holding a long metal rod or pipe.<sup>30</sup>

Officers Williams and Carlson arrived at scene at approximately 1824:50 hours.<sup>31</sup> Upon arrival, Officer Carlson activated her BWV and exited the vehicle. As they approached the residence, they passed Officer Nelson on the stairwell. As captured on BWV, Officer Nelson advised Officers Williams and Carlson that a person with mental illness was barricaded inside of the residence. He further advised them that he was en route to retrieve a 40-millimeter launcher from his police vehicle.

Officer Carlson broadcast to CD that they were Code Six as she and her partner approached the front door.<sup>32</sup> Once inside the location, Officer Barrera advised Officers Carlson and Williams that no crime had occurred; however, Vasquez was possibly under the influence of narcotics and armed with metal pipes.

Officers Barrera, Yah and Williams communicated with one another regarding the layout of the residence and potential exits accessible to Vasquez. Officer Williams unholstered his pistol and checked the kitchen area as well as Giron's adjacent living space for potential suspects and exit routes for Vasquez. After clearing the areas, Officer Williams holstered his pistol.

Since the living room was cluttered with furniture and miscellaneous personal items, Officers Carlson and Williams moved a table and chair to the side, creating space in the living room.

---

<sup>30</sup> Captured by Officer Barrera's BWV at approximately 1825:57 hours.

<sup>31</sup> Their arrival time was gleaned from Officer Carlson's BWV.

<sup>32</sup> Officer Carlson broadcast they were Code Six at approximately 1825:57 hours, as captured by her BWV.

At approximately 1828:23 hours, as captured by BWV, Officer Yah was standing in the doorway of the east bedroom attempting to verbalize with Vasquez, when another metallic sound emitted from the bedroom.

Officer Yah looked at Officer Barrera, who was standing on the north end of the hallway and advised him of the sound. As captured by BWV, Officer Yah stated, *"It sounded like a sword. You know, when you take a sword out."* Officer Barrera relayed the information to Officers Carlson, Williams and Nelson.

As the officers awaited Sergeant Alfaro's arrival, Officer Barrera formulated a tactical plan. Officer Barrera advised Officer Nelson to be prepared to deploy the 40-millimeter launcher if necessary. Officer Nelson advised Officer Barrera that the 40-mm launcher was loaded. Officer Barrera also designated Officers Carlson and Williams to be the arrest team.<sup>33</sup>

At approximately 1830:07 hours, Officer Williams walked toward Vasquez's bedroom. He placed his left hand on Vasquez' door and opened the door just north of Vasquez' bedroom (kitchen/closet door) with his right hand. Officer Williams locked the closet door to prevent Vasquez from entering that space.

At approximately 1832:45 hours, Officer Barrera made an additional broadcast to CD, inquiring about Sergeant Alfaro's estimated time of arrival. Sergeant Alfaro replied, *"Drive time from Temple Street and Vendome Street"*<sup>34</sup>

At approximately 1834:38 hours, Sergeant Alfaro arrived at scene.<sup>35</sup> He placed himself Code Six via his MDC, exited the vehicle, and activated his BWV as he approached the location.

As captured by BWV, Officers Barrera and Yah met with Sergeant Alfaro on the stairwell. Officer Barrera briefed Sergeant Alfaro on the incident, including a synopsis of the radio call, witness statements and relationship between Vasquez and the witnesses. Officer Barrera informed Sergeant Alfaro that Vasquez was alone inside of a bedroom and when they attempted to open the door, he closed it on them.

Officer Barrera advised Sergeant Alfaro that they established verbal communication with Vasquez, who said he would leave the location at 1900 hours. Officer Barrera described Vasquez' behavior as erratic and said he was armed with two metal poles. The officers also advised Sergeant Alfaro that, according to the witnesses, no crime had occurred.

---

<sup>33</sup> The video was gleaned from Officer Barrera's BWV.

<sup>34</sup> The distance between Temple Street and Vendome Street was approximately .4 miles away from the location.

<sup>35</sup> The arrival time was gleaned from Sergeant Alfaro's BWV.

**Note:** According to Sergeant Alfaro, he did not recall Officer Barrera mentioning that Vasquez was armed with two metal poles. Sergeant Alfaro said he would have taken additional steps had he been aware that Vasquez was armed. According to Sergeant Alfaro, “I would have possibly requested additional units to respond, set up better initial containment. Also, make the necessary contacts for a potential barricaded suspect through the Watch Commander, through Metro, to see if it qualified for a potential call out.”<sup>36</sup>

**OIG Note No. 3:** *Officer Barrera advised Sergeant Alfaro that Vasquez was armed with “two metal pipes.” However, Sergeant Alfaro did not acknowledge or respond to the comment. Instead, Sergeant Alfaro asked whether Vasquez had raised his hand toward the victims, swung at them, or otherwise “battered” them, to which Officer Barrera replied that Vasquez never swung “it.”<sup>37</sup> During a subsequent interview of Sergeant Alfaro, after he had reviewed his BWV, he acknowledged that he was in fact told that Vasquez was armed with two metal pipes. Sergeant Alfaro indicated that the information did not register with him. As described by Sergeant Alfaro, “I don’t know exactly what happened. I’m assuming it didn’t register with me due to the -- the way that Officer Barrera described it, it didn’t sound like a threat. It didn’t sound like a potential threat to myself or the officers.” Sergeant Alfaro added, “I don’t recall him or recall hearing it, to be honest with you.”<sup>38</sup>*

Officers Barrera and Yah did not inform Sergeant Alfaro about the metallic sound, resembling a sword being drawn from a sheath when they briefed him. According to Officer Barrera, “It slipped my mind.”<sup>39</sup>

As captured on BWV, Sergeant Alfaro entered the residence, knocked on Vasquez’ door, and verbally identified himself as a police sergeant and requested to speak with him.<sup>40</sup> Sergeant Alfaro offered Vasquez food and water, as well as a trip to the beach. Vasquez advised Sergeant Alfaro that he intended to leave the premises at 1900 hours. According to Sergeant Alfaro, “Upon speaking to him (Vasquez), it didn’t appear he was

---

<sup>36</sup> Alfaro, 2<sup>nd</sup> interview, Page 6, Lines 12-17.

<sup>37</sup> Barrera’s BWV, 01:36:03 – 01:36:30.

<sup>38</sup> Alfaro, 2<sup>nd</sup> interview, Page 5, Lines 11-15 and Page 6, Lines 5-6.

<sup>39</sup> Barrera, 2<sup>nd</sup> interview, Page 6, Line 1.

<sup>40</sup> Sergeant Alfaro was fluent in Spanish and communicated with Vasquez in Spanish throughout the incident.

very coherent or making sense, either suffering from some type of mental illness or drug induced altered state of mind.”<sup>41</sup>

As Sergeant Alfaro was communicating with Vasquez, Officer Yah spoke with Witnesses Alonzo, Gutierrez and Terrazas for further clarification. They informed Officer Yah that they were fearful of Vasquez and wanted him to leave the residence but did not wish to press charges. Officer Yah relayed that information to Sergeant Alfaro.

**Note:** Although Officers Barrera and Yah had multiple conversations with the witnesses, they were never advised that Witness Terrazas was the victim of a battery. This information only came to light during interviews with Force Investigation Division (FID).

According to Sergeant Alfaro, “I reconvened with Officer Yah who informed me that the couple that lives there does not want to press charges. However, they are in fear of their safety having this as -- person as a tenant remain there. So at that point, I made the determination that we would try to make contact with this individual and attempt to put him on a 5150 hold, due to possible mental illness and being a danger to others...”<sup>42</sup> According to Sergeant Alfaro, his intentions were to contact the Mental Evaluation Unit (MEU) after Vasquez was detained.<sup>43</sup>

**OIG Note No. 4:** *Sergeant Alfaro said to the assembled officers at the scene, "So, I mean, not arresting him for anything, is it a weak 5150 if even that? Possibly, yeah. I'd say that's what we'll probably go off of then."*<sup>44</sup>

**Note:** According to Sergeant Alfaro, he considered the concept of tactical disengagement; however, he felt that it was not feasible to leave Vasquez at the location with the witnesses because they all lived together, and the witnesses feared for their safety.

At approximately 1840:30 hours, as captured by BWV, Sergeant Alfaro formed a contact/arrest team consisting of all five officers and devised a tactical plan to approach Vasquez. He designated Officers Barrera and Yah (lethal) as the contact officers, Officer Nelson as less-lethal (40mm), and Officers Williams and Carlson as the arrest

---

<sup>41</sup> Alfaro, 1<sup>st</sup> interview, Page 6, Lines 15-18.

<sup>42</sup> *Id.*, Page 6, Line 18 – Page 7, Line 1.

<sup>43</sup> According to the Los Angeles Police Department Manual, Volume 4, Section 260.20, *When the only reason for detention is the person's suspected mental illness, the Mental Evaluation Unit (MEU) shall be contacted prior to transporting an apparently mentally ill person to any health facility or hospital.*

<sup>44</sup> Alfaro's BWV, at 01:40:24.

team. Sergeant Alfaro directed the officers to don protective gloves.<sup>45</sup> Officer Nelson then unholstered his TASER and held it in his right hand.

**Note:** According to Officer Yah, Officer Barrera was the designated lethal officer.

Due to the confined space in the hallway, Officer Nelson believed a TASER would be the optimal less-lethal option, as opposed to the 40-millimeter less-lethal launcher.

Officers Barrera and Yah approached Vasquez' door. During the approach, Officer Yah unholstered his pistol and held it in his right hand with the muzzle pointed toward the ground. Officer Barrera opened the door to the east bedroom and positioned himself just east of Vasquez' door. Officer Yah was standing in the hallway, north of Officer Barrera.

Officer Barrera, using his right hand, attempted to open Vasquez' door; however, he was unable to do so because Vasquez was holding the door closed from the inside. Officer Yah holstered his pistol and continued verbalizing with Vasquez. Officer Yah advised Vasquez that he was not in trouble and requested him to exit the bedroom. Vasquez told the officers that they were the ones with the problem.<sup>46</sup>

Sergeant Alfaro considered posting Officer Nelson west of Vasquez' door, but decided it was unsafe due to the confined space in the hallway.

At approximately 1843:27 hours, Sergeant Alfaro directed Officers Barrera and Yah to try opening the door again. Officers Barrera and Yah switched assignments. Officer Barrera was now the designated lethal officer. Officer Yah positioned himself just east of Vasquez' door and Officer Barrera was positioned near the north end of the hallway. According to Officer Yah, his plan was to redeploy into the east bedroom if necessary, where he could seek cover/concealment. Officers Nelson, Williams and Sergeant Alfaro were standing in the living room area, east of the hallway and Officer Carlson was standing near the kitchen, west of the hallway.

Officer Yah, using his right hand, attempted to open Vasquez' door. According to Officer Yah, he felt resistance and formed the opinion that Vasquez was holding the door closed from the inside. As captured by BWV, Officer Yah stated, "*Oh yeah, he's holding it*" and pulled hard on the door, successfully opening it. He then quickly

---

<sup>45</sup> All of the officers, with the exception of Officer Nelson, donned protective gloves. Los Angeles Police Department, Bloodborne Pathogen Exposure Protocol Field Notebook Divider, dated November 2012, described bloodborne pathogens as germs transmitted by exposure to blood or other potentially infectious body fluids. The document states the following: Latex gloves shall be worn when contact with blood or other potentially infectious body fluids is anticipated and shall be changed after each contact.

<sup>46</sup> Vasquez' statement was captured by Officers Yah and Barrera's BWV at approximately 1842:53 hours.



redeployed into the east bedroom. Aware that Vasquez was possibly armed with metal pipes, Officer Yah unholstered his pistol, which he held in a two-hand shooting position, with the muzzle pointed toward Vasquez' bedroom.

According to Officer Barrera, as the door opened, he observed Vasquez emerge from the bedroom holding a machete in his left hand and a long sharp object, also resembling a machete, in his right hand. Officer Barrera quickly redeployed in a southerly direction, unholstered his pistol, and sought cover behind the east hallway wall and refrigerator. Officer Barrera ordered Vasquez to put the machetes down. According to Officer Barrera, Vasquez stepped out of the bedroom and, using his left hand, swung a machete in an up and down motion toward Officer Yah from an estimated distance of three feet. According to Officer Barrera, *"I drew out as soon as I saw the machetes. And then when...when I saw the...the machete swing in the forward motion direction of my partner, that's where I discharged my...my weapon."*<sup>47</sup>

Believing Vasquez was going to attack Officer Yah with the machete, Officer Barrera fired six rounds at Vasquez in a southerly direction from an approximate distance of eight feet. According to Officer Barrera, he was aiming for Vasquez' left wrist.

**OIG Note No. 5:** *As described by Officer Barrera, all he could see of Vasquez when he fired his weapon was Vasquez's left arm and a machete.*<sup>48</sup> *His rationale for firing his weapon was that he "reasonably believed that he [Vasquez] was going to attack" his partner with the machete and cause him "serious injury."*<sup>49</sup>

Vasquez responded to the gunfire by backing up into his bedroom. According to Officer Barrera, he assessed Vasquez' actions prior to each shot he fired. As captured by BWV, he paused after firing the sixth round, to assess the situation.

**Note:** Officer Barrera believed he paused and assessed after firing his fifth round.

According to Officer Williams, Vasquez lunged toward Officer Barrera while swinging two long sharp metal objects erratically in front of his chest area.

According to Sergeant Alfaro, Vasquez was holding a machete in each hand and waving them around. Sergeant Alfaro described the machetes as being approximately two or three feet in length.

---

<sup>47</sup> Barrera, 1<sup>st</sup> interview, Page 45, Line 23 – Page 46, Line 1.

<sup>48</sup> *Id.*, Page 52, Line 20 – Page 53, Line 9.

<sup>49</sup> *Id.*, Page 53, Lines 12-15.

Nearly simultaneous to the OIS, Officer Nelson transitioned his TASER into a two-hand shooting position and fired it in a southerly direction toward Vasquez' chest from an approximate distance of nine feet. According to Officer Nelson, *"The suspect comes out the door. I see him holding a machete in each hand wearing a red shirt. It looks like he's running out the door. That's when I shoot my TASER."*<sup>50</sup>

**OIG Note No. 6:** *Officer Nelson initially reported that Officer Barrera fired after he (Officer Nelson) discharged his TASER. As described by Officer Nelson, "That's when I shoot my TASER [...] Barrera then begins firing a - - (Inaudible) approximately five rounds."<sup>51</sup> Officer Nelson later described himself and Officer Barrera firing at "about the same time." He added that he saw Officer Barrera fire.<sup>52</sup>*

**Note:** According to Officer Nelson, he did not give a use of force warning prior to deploying the TASER, due to the immediate threat posed by Vasquez.

Officer Nelson estimated that he was approximately eight feet away from Vasquez when he discharged the TASER and believed he fired it from a one-hand shooting position (right hand). Officer Nelson did not believe the taser barbs made contact with Vasquez.

One TASER barb was subsequently recovered from the east hallway wall and the second barb was recovered from the south window curtain of the west bedroom.

A check of the TASER's internal data storage device revealed one activation, approximately four seconds in duration at 1856:33 hours. The investigation determined that the time stamp on Officer Nelson's TASER device was nearly 13 minutes ahead of actual time (Addendum No. 1).

**OIG Note No. 7:** *Officer Barrera was not aware that Officer Nelson had discharged his TASER at this point during the incident.<sup>53</sup>*

[...]

Within seconds, Vasquez re-emerged in the doorway of his bedroom, still armed with the machete in his left hand. According to Officer Barrera, Vasquez took a step toward Officer Yah, at which time he fired two additional rounds at Vasquez from an

---

<sup>50</sup> Nelson, Page 8, Lines 2-5.

<sup>51</sup> *Id.*, Page 8, Lines 5-7.

<sup>52</sup> *Id.*, Page 22, Lines 5-11.

<sup>53</sup> Barrera, Page 89, Line 20 – Page 90, Line 7.

approximate distance of seven feet. According to Officer Barrera, he was aiming at Vasquez' right torso.

After Officer Barrera's final shot, Vasquez dropped the machete, but was still armed with the second object. Officer Barrera yelled, "*Drop the machete, drop the machete,*" at which time Vasquez entered his bedroom and closed the door. Officer Barrera communicated with the officers at scene, advising that Vasquez retreated into the bedroom.

[...]

**Note:** An analysis of the BWV determined that the duration of time between Officer Barrera's first and last shot was approximately five seconds. There was a pause of approximately two seconds between the first and second volley.

Officer Barrera believed he ordered Vasquez to drop the machete after firing the first volley. An analysis of the BWV determined that the command was given after the second volley.

According to Witness Terrazas, there was a one-minute pause between the two volleys. Witness Gutierrez believed there was a one or two-minute pause between volleys.

Aware that Vasquez was armed with two sharp objects/machetes, and in response to the OIS, Officers Carlson and Williams unholstered their pistols. Shortly after Vasquez retreated into his bedroom, they re-holstered.

At approximately 1843:51 hours, Sergeant Alfaro broadcast a help call, advising that shots were fired at 309 North Commonwealth Avenue.

The machete was lying on the hallway floor, partially inside of Vasquez' bedroom. The handle was inside of the bedroom and the blade was in the hallway, facing in a northeasterly direction.

Officer Barrera directed Officer Yah to recover the machete and redeploy to the living room.

According to Officer Yah, he attempted to move the machete using his left foot but was unsuccessful because it was wedged between the door and the flooring.

Officer Yah left the machete in the hallway and moved toward the living room. As he did so, he side stepped toward his right (north) and pointed his pistol toward Vasquez' bedroom. As Officer Yah moved in his direction, Officer Barrera lowered his pistol, to avoid covering his partner with the muzzle, and allow Officer Yah to pass. Officer Barrera maintained cover behind the east hallway wall/refrigerator and pointed his pistol

toward Vasquez' bedroom. Sergeant Alfaro directed Officers Yah, Nelson, Carlson, and Williams to redeploy to the east side of the living room.<sup>54</sup>

Officer Barrera advised the officers at scene that Vasquez was armed with two machetes; he dropped one and was in possession of a second one. Sergeant Alfaro asked Officer Barrera if Vasquez was down. According to Officer Barrera, he observed blood near the machete and formed the opinion that Vasquez was injured during OIS. He informed Sergeant Alfaro that Vasquez was hit by gunfire and bleeding.

At approximately 1844:15 hours, Sergeant Alfaro requested a rescue ambulance (RA) for Vasquez. He advised CD that Vasquez was barricaded in a room and armed with two machetes. Sergeant Alfaro advised the responding units to approach from either direction on Commonwealth Avenue.

Sergeant Alfaro directed Officer Carlson to take a position in front of the residence and direct responding units to their location. Officer Carlson exited the residence and ordered the witnesses move from the front yard to the sidewalk.

Sergeant Alfaro directed Officers Williams and Nelson to take positions to the rear of the location for containment purposes. Prior to exiting the residence, Officer Nelson relinquished the 40-millimeter launcher to Sergeant Alfaro. Officer Yah holstered his pistol, took the 40-millimeter launcher from Sergeant Alfaro, and slung it over his left shoulder. Officer Yah then unholstered his pistol again.

Officers Williams and Nelson went to the rear of the location and identified Vasquez' bedroom window. According to Officer Williams, the window was open and he observed blood on the curtains. Officer Williams then observed Vasquez on the roof holding a metal object in one of his hands.<sup>55</sup> Officer Williams advised Officer Nelson that Vasquez was on the roof and pointed in Vasquez' direction.

At approximately 1845:44 hours, Officer Williams broadcast that Vasquez was on the roof, moving in a northbound direction. Sergeant Alfaro and Officers Barrera and Yah heard the broadcast and immediately ran out of the residence toward the front yard.

**Note:** Officer Williams did not mention Vasquez was armed with a metal object to Officer Nelson nor during the broadcast he made to CD.

When Sergeant Alfaro, Officer Barrera and Officer Yah left the residence, the OIS scene was left unsecured. According to BWV evidence, the residence was left unsecured for approximately eight minutes.

---

<sup>54</sup> The video was gleaned from Officer Barrera's BWV.

<sup>55</sup> Officer Williams was unsure which hand the metal object was in.

**OIG Note No. 8:** *During the time that the OIS scene was unsecured, Padilla admitted to going up to Vasquez's bedroom. As described by Padilla, "And after the shooting and everything, there were no police. Because I didn't know or anything, you know, I went upstairs. I went to the room, and when I arrived, well, I saw the machete. The blade of the machete was out." According to Padilla, the bedroom door was closed at that time.<sup>56</sup> Padilla was not asked any additional questions regarding his presence at the unsecured OIS scene.*

Officer Carlson was standing in the street, in front of 309 North Commonwealth Avenue, when she heard Officer Williams' broadcast. She then observed Vasquez running east down the driveway, in her direction. According to Officer Carlson, she believed Vasquez could still be armed with a machete; therefore, she unholstered her pistol, which she held in a two-hand shooting position, pointed the muzzle in a westerly direction toward Vasquez, and ordered him to drop the machete.

As captured by Officer Carlson's BWV, Vasquez raised both of his arms but continued running in her direction. According to Officer Carlson, she could see both of Vasquez' hands, and determined that he was not holding a weapon. Officer Carlson ordered Vasquez to turn around, but he did not comply with her commands. Instead, Vasquez continued running east down the driveway, then south on the west sidewalk of Commonwealth Avenue.

Vasquez continued running south on the west sidewalk of Commonwealth Avenue then turned west on the north sidewalk of Temple Street. Officer Carlson yelled, "*Hey, we got him running*" and holstered her pistol. Officer Carlson pursued Vasquez on foot, followed by Sergeant Alfaro, Officers Williams, Barrera, Yah, and Nelson. Officer Carlson was aware that the aforementioned officers were behind her.

According to Officer Carlson, as she pursued Vasquez, she observed a machete in his rear waistband. As Officer Carlson turned west on Temple Street, she broadcast Vasquez' direction of travel.

According to Officer Carlson, when she initially saw Vasquez running toward her in the driveway, she observed that his hands were empty, and she intended on apprehending him. After observing Vasquez armed with the machete, she intended to just keep line of sight on him.

**OIG Note No. 9:** *Officer Carlson described transitioning from apprehension mode to containment mode. According to Officer Carlson, "I'm -- my thought is I'm going to apprehend him. I'm going to get him to pretty much either drop what he has or turn around and take him into custody. I see his hands are empty and then he takes off southbound*

---

<sup>56</sup> Padilla, Page 30, Lines 2-25.

*Commonwealth so I holster again. I see he has a machete so at that point I want to be able to keep eyes on him.”<sup>57</sup>*

Officer Carlson estimated she was approximately 30 to 40 feet behind Vasquez during the foot pursuit.

**Note:** The object in Vasquez’ rear waistband was subsequently recovered and determined to be a large kitchen knife inside of a sheath.

The following image was captured by Officer Carlson’s BWV at approximately 1845:51 hours.

Officer Barrera broadcast that they were in foot pursuit on Temple Street toward Virgil Avenue and described Vasquez as a male Hispanic wearing a red shirt and blue jeans. Vasquez then ran toward the 7-Eleven convenience store located on the northwest corner of Temple Street and Virgil Avenue.

Multiple units responded to the help call, including following uniformed personnel:<sup>58</sup>

Rampart Area Gang Enforcement Detail (GED) personnel:

- Police Officer III Kenny Pintado, Serial No. 39943 and Police Officer II Eduardo Munoz, Serial No. 41026, Unit 2G11.
- Police Officer III Shawn Graber, Serial No. 38847, and Police Officer II Terrance Cross, Serial No. 41102, Unit 2G23.
- Police Officer II Rodolfo Lopez, Serial No. 41650 and Police Officer II Irvin Pereira, Serial No. 41623, Unit 2G27.
- Sergeant I Juan Emerick, Serial No. 31560, Unit 2G20.

Rampart Patrol Division personnel:

- Police Officer III+I Robert Solorio, Serial No. 36103, Unit 2SLO37.
- Police Officers II Alexander Rossello, Serial No. 43151 and Andrew Posner, Serial No. 42995, Unit 2A5.
- Police Officers II Jose Castaneda, Serial No. 37223 and Justo Malta, Serial No. 43255, Unit 2A56.
- Police Officer III Paul Cruz, Serial No. 37894 and Police Officer I Brenda Cortez, Serial No. 43400, Unit 2A4.
- Police Officers II Anthony Canales, Serial No. 38671 and Victor Arroyo, Serial No. 37672, Unit 2Q12.

---

<sup>57</sup> Carlson, Page 21, Lines 13-19.

<sup>58</sup> Officers Rossello, Posner, Castaneda, Malta, Cruz and Cortez were not witness to the Categorical Use of Force nor were they significantly involved. Therefore, they were not interviewed for this investigation.

At approximately 1846:05 hours, Officers Pintado and Munoz arrived at scene and observed Vasquez running west on Temple Street toward the 7-Eleven parking lot, followed by Officer Carlson. Officer Pintado observed blood on Vasquez' hands and the handle of a knife sticking out of his rear waistband. Officer Pintado drove into the parking lot behind Vasquez and parked their police vehicle diagonally, facing in a northwesterly direction. Concerned for the safety of the patrons and employees of the 7-Eleven, both officers exited the vehicle and unholstered their pistols. Officers Pintado and Munoz each held their pistols in their right hands as they ran towards the entrance to the 7-Eleven.

As Vasquez ran toward the entrance of the 7-Eleven, Officer Carlson observed multiple patrons inside the business. According to Officer Carlson, *"He was running right for the door and I believed he was going to arm himself with the machete and possibly do harm to those people. So, at that point, I unholstered again."*<sup>59</sup> Officer Carlson unholstered her pistol in the parking lot of the 7-Eleven and pointed the muzzle in a northwesterly direction toward Vasquez. With her pistol drawn, Officer Carlson continued to chase Vasquez toward the store's entrance and ordered him to drop the machete. As she did so, she transitioned back and forth between a one-handed and two-handed grip on her pistol. Vasquez did not comply with Officer Carlson's command and entered the 7-Eleven.<sup>60</sup>

**Note:** The front entrance of the 7-Eleven was located on the south side of the building, facing Temple Street. There were several windows located along the southern wall, just west of the entrance.

The interior of the store consisted of four aisles, with the refrigerated section located along the west wall. The front counter and cash register were located on the east side of the business. There was a security monitor mounted on the ceiling between aisles one and two, which displayed the real time security footage inside the store. The following diagram depicts the layout of the store on the date of the incident.

As captured by security video, Vasquez entered the business and walked in a westerly direction, down aisle number one, toward the refrigerated section/beverage aisle. Officer Pintado was the first officer to enter the location, followed by Officers Munoz, Williams, Carlson, Sergeant Alfaro, and Officers Yah, Barrera, and Nelson. Upon entering the location, Officer Pintado directed the patrons to exit the premises. Officer Barrera and Sergeant Alfaro both broadcast to CD, advising that Vasquez was inside the 7-Eleven.

Vasquez paced back and forth along the beverage aisle, removed non-alcoholic beverages from the refrigerator and consumed them. Sergeant Alfaro directed the

---

<sup>59</sup> Carlson, Page 10, Lines 17-20.

<sup>60</sup> The video clip was gleaned from Officer Carlson's BWV.

officers to hold their positions on the east side of the aisles. As captured on his BWV, Officer Yah opened the breach of the 40-millimeter launcher, verified there was a round loaded in the chamber, and announced, *"I have the 40."*

Officer Carlson advised officers at scene that Vasquez had a machete in his rear waistband. Sergeant Alfaro placed his hand on Officer Yah's right shoulder and directed him to fire the 40-millimeter launcher at Vasquez. He then directed 7-Eleven employees, Selim Al Mobin and Hafisa Aktaer, who were standing behind the front counter, to exit the premises. They complied with his commands.<sup>61</sup>

**Note:** According to Officer Nelson, he believed Vasquez had a machete in his hand while inside the 7-Eleven. However, an analysis of BWV and security video determined Vasquez was not holding a machete inside the store.

At approximately 1847:36 hours, Officer Yah aimed at Vasquez' stomach and fired the first 40-millimeter round, from the east side of aisle number two, in a westerly direction from an approximate distance of 23 feet. As captured on security video, the round appeared to strike Vasquez on his left side, causing him to lose his balance and bend forward at the waist. Officer Barrera ordered Vasquez to place his hands up, but he did not comply with the command.<sup>62</sup>

According to Officer Yah, he fired the 40-millimeter because the suspect was armed with the knife in his waistband and, *"I was afraid that we were going to use lethal to apprehend the suspect which I wanted to avoid by using -- by deploying the 40-millimeter and take him into custody."*<sup>63</sup> Officer Yah further stated he believed Vasquez' demeanor indicated he may charge at the officers while armed.

According to Sergeant Alfaro, he had sufficient officers inside the 7-Eleven. As additional units arrived at scene, he directed them to remain outside. Sergeant Alfaro then assigned two officers to the east side of each aisle, one designated as lethal and the other as less-lethal, as follows:

Aisle No. 1:

- Officer Nelson (lethal)
- Officer Posner (less-lethal – TASER)

Aisle No. 2:

- Officer Williams (lethal)
- Officer Barrera (less-lethal – TASER)

---

<sup>61</sup> Hafisa Aktaer declined a formal interview with FID investigators. She was not present at the time of the OIS or Non-Categorical Use of Force.

<sup>62</sup> The video clip was gleaned from Officer Williams BWV.

<sup>63</sup> Yah, 2<sup>nd</sup> Interview, Page 14, Line 23 – Page 15, Line 1.



Aisle No. 3:

- Officer Carlson (lethal)
- Officer Yah (less-lethal – 40-millimeter launcher)

Aisle No. 4:

- Officer Pintado (lethal)
- Officer Munoz (less-lethal – TASER)

Sergeant Alfaro directed Officer Yah to fire a second 40-millimeter round at Vasquez. Vasquez was pacing back and forth along the west wall, therefore, Officer Yah repositioned to aisle number one. Meanwhile, Officer Barrera continued giving commands to Vasquez, ordering him to drop the machete and put his hands up. Vasquez did not comply with the officers' commands.

Sergeant Alfaro contacted Officer Solorio, who was standing just outside the front entrance and requested he respond to the OIS scene and secure the location. Officer Solorio delegated the assignment to Officers Castaneda and Malta.

At approximately 1848:58 hours, Officer Solorio broadcast a Code Four, advising CD that there were sufficient units at the location; however, the suspect was not in custody.<sup>64</sup> Officer Solorio requested additional units respond to the OIS scene. Officers Cruz and Cortez responded to 309 North Commonwealth Avenue with Officers Castaneda and Malta and secured the location.<sup>65</sup>

**Note:** During the broadcast to CD, Officer Solorio erroneously provided an address of 509 North Westmoreland Avenue for the OIS scene. However, officers responded to the correct location.

At approximately 1848:59 hours, unbeknownst to the officers, security video captured Vasquez remove the knife from his rear waistband and place it between the shelving and a case of water bottles that were stacked on the west side of the store, between aisles one and two.<sup>66</sup>

At approximately 1849:16 hours, Officer Yah fired a second 40-millimeter round at Vasquez' stomach, from aisle number one, also in a westerly direction, from an approximate distance of 22 feet. As captured on security video, it appears that the second round also struck Vasquez on the left side, causing him to bend forward at the waist and lose his balance. Vasquez then sat on the floor the west end of aisle number one, facing the refrigerators. According to Officer Yah, he fired the second 40-millimeter

---

<sup>64</sup> The time was gleaned from Officer Solorio's BWV.

<sup>65</sup> As captured by BWV, the officers entered the premises at approximately 1853:50 hours.

<sup>66</sup> The video clip was gleaned from the 7-Eleven security video.

round because the first round was ineffective, and Vasquez was still pacing back and forth while armed with a knife.<sup>67</sup>

***OIG Note No. 10:*** Officer Yah believed the second 40-millimeter round was also ineffective.<sup>68</sup>

The following diagram depicts Officer Yah and Vasquez' approximate positions when the 40-millimeter launcher was deployed.

**Note:** According to Officer Yah, he did not give a verbal use of force warning to Vasquez prior to deploying the 40-millimeter launcher because other officers were in the process of giving him commands. Officer Yah also feared that he would lose the element of surprise by warning Vasquez that he was going to deploy the 40-millimeter launcher, allowing Vasquez the opportunity to seek cover and/or conceal himself.

Sergeant Alfaro was cognizant of Vasquez' background and was concerned about public safety and potential crossfire. He directed Officer Solorio to reposition the exterior officers from the west side of the parking lot to the east side and to establish traffic control. With the assistance of an Air Unit (Air 3), Officer Solorio shut down traffic for the nearby intersections.

At approximately 1849:40 hours, Los Angeles Fire Department (LAFD), RA No. 20, staffed by Fire Fighter Emergency Medical Technicians (FF/EMT) Brandon Ball, Michael Mueller, and Slater Davies, and Engine No. 20, staffed by Captain Bryan Willis, and Firefighters (FF) Kyle Fujitake, Harold Kim and Andy De La Rosa, received an alarm to respond to 309 North Commonwealth Avenue.

At approximately 1855:30 hours, Engine 20 arrived at scene, followed by RA 20 shortly thereafter. They were advised to stage at the intersection of Temple Street and Virgil Avenue, due to the ongoing tactical situation.

Sergeant Emerick arrived at scene and stood just outside the 7-Eleven's entrance. Sergeant Alfaro requested Sergeant Emerick look through the exterior windows to see what Vasquez was doing. Sergeant Emerick was joined by Officer Lopez, who was armed with a Patrol Rifle and together they walked toward the southwest corner of the building.

As captured by BWV, Officer Lopez held his rifle in a low-ready position, with the muzzle pointed in Vasquez' direction.<sup>69</sup> Officer Lopez looked through the window and observed Vasquez sitting on the floor as well as the knife behind the water bottles.

---

<sup>67</sup> The video clip was gleaned from Sergeant Alfaro's BWV.

<sup>68</sup> Yah, Page 72, Lines 17-23.

<sup>69</sup> Captured by Sergeant Alfaro's BWV at approximately 1851:54 hours.

Officer Lopez and Sergeant Emerick relayed their observations to Sergeant Alfaro, who relayed the information to the officers inside the store. Sergeant Alfaro directed Officer Solorio to request a shield.

**Note:** The approximate distance between the knife and where Vasquez was seated was approximately six feet, seven inches.

Sergeant Alfaro formed an arrest team consisting of Officers Pintado (lethal), Yah (less-lethal – 40-millimeter launcher), Carlson, Graber and Cross. Sergeant Alfaro directed the arrest team to walk west down aisle number three, to get a visual of Vasquez' position. As the arrest team made their approach, Officers Pintado and Carlson had their pistols unholstered, which they held in a two-hand low-ready position. When the team reached the end of the aisle, Sergeant Alfaro directed Officer Carlson to holster her pistol and designated Officer Pintado as lethal. The officers identified the location of the knife and relayed that information to Sergeant Alfaro. Sergeant Alfaro directed the officers to hold their position at the end of aisle number three.

Sergeant Alfaro and Officer Solorio formulated a plan to recover the knife, prior to apprehending Vasquez. Sergeant Alfaro advised the arrest team of the plan and formed a contact team to recover the knife consisting of Officers Williams, Barrera and Solorio. Officer Williams was designated as lethal, Officer Barrera was less-lethal (TASER) and Officer Solorio's assignment was recovery of the knife. Prior to making their approach, Officer Solorio walked down aisle three, where the arrest team was positioned and identified the location of the knife.

Sergeant Alfaro directed Olympic Patrol Division, uniformed Police Officer III, Justin Chi, Serial No. 37073, to watch the security monitor mounted on the ceiling between aisles one and two and advise the contact team if Vasquez makes any movement toward them.<sup>70</sup>

At approximately 1859:04 hours, the contact team walked west down aisle number two, utilizing the store shelves as cover. Upon reaching the end of the aisle, Officer Solorio recovered the knife with his right hand.<sup>71</sup> Initially, Sergeant Alfaro directed Officer Solorio to maintain custody of the knife. Officer Solorio momentarily placed the knife on the store counter at which time Sergeant Alfaro advised him to relinquish the knife to another officer outside. Officer Solorio exited the store, transferred custody of the knife to Officer Rossello and went back into the store.<sup>72</sup>

---

<sup>70</sup> Officer Chi was not witness to the Categorical Use of Force nor was he significantly involved. Therefore, he was not interviewed for this investigation.

<sup>71</sup> Officers Williams, Barrera and Solorio were all wearing protective gloves.

<sup>72</sup> At the conclusion of the incident, Officer Solorio retrieved the knife from Officer Rossello and secured it in the trunk of his police vehicle, Shop No. 83274, until it was recovered by Forensic Science Division personnel.

At approximately 1900:38 hours, Vasquez stood up on his own. Officer Yah ordered Vasquez to put his hands up and go down to his knees. Vasquez complied with his commands and went down on his knees facing toward the window in southerly direction.

The arrest team approached Vasquez from behind and Officer Cross grabbed both of his wrists. Officer Graber handcuffed Vasquez' left wrist and together, Officers Cross and Graber pulled his arms behind his back. Officer Graber then handcuffed Vasquez' right wrist. Officer Cross searched Vasquez' front and rear waistband area, then assisted Vasquez to a standing position. Officers Cross and Graber escorted Vasquez to the parking lot where Officer Graber conducted a custodial search of his person.<sup>73</sup>

At approximately 1901:35 hours, Sergeant Alfaro broadcast Code Four.

At approximately 1903:30 hours, Officers Cross and Graber walked Vasquez to the LAFD staging location for treatment. Officer Cross uncuffed Vasquez' left wrist to allow the LAFD personnel to treat Vasquez. As they did so, Officer Posner controlled Vasquez' left arm and Officer Cross controlled his right arm. Vasquez was placed on a gurney and prepared for transportation. Officer Posner handcuffed Vasquez' left wrist and Officer Cross handcuffed his right wrist to the rails of the gurney.

Officer Cross rode in the back of RA No. 20 with Vasquez to the hospital as Officer Graber followed in his police vehicle. Vasquez was transported to the Los Angeles County, University of Southern California Medical Center (LAC+USCMC) for further treatment.

At approximately 1912 hours, Department Operations Center (DOC) was notified of the OIS and the details of the subsequent notifications are attached (Addendum No. 2).

At approximately 2035 hours, Sergeant II Carlos Figueroa, Serial No. 35260, was the first representative from Force Investigation Division (FID) to arrive on scene.

Force Investigation Division, Criminal Apprehension Team (CAT) Detective II Joseph Kirby, Serial No. 36857 authored a warrant to search the premises of 309 North Commonwealth Avenue. The warrant was signed by the Honorable Judge Danielle R. A. Gibbons, Superior Court of Los Angeles, Central Division, Department No. 4 (Addendum No. 3).

On July 16, 2019, at approximately 0150 hours, Forensic Science Division (FSD) Firearms Analysis Unit (FAU), Criminalist Supervisor, Julia Wilkinson, Serial No. N4403, Criminalist III Kathleen Hafeli, Serial No. N4216, Criminalist II Matthew Saucedo, Serial No. N4688 and Criminalist I Andrea Munoz, Serial No. N6276, responded to the scene. The FAU personnel conducted an examination of the OIS scene and 7-Eleven for

---

<sup>73</sup> A shield was brought into the 7-Eleven at approximately 1900:20 hours, just prior to Vasquez standing up on his own and the arrest team placing him into custody. Therefore, the shield was not utilized.

evidence including but not limited to ballistic impacts, trajectories, projectiles and forensic evidence.

Force Investigation Division, Detective II Alberto Rosa, Serial No. 26598, reviewed the documents regarding the separation, monitoring and admonitions not to discuss the incident prior to being interviewed by FID investigators. The investigation revealed that there were deviations from the standard protocols (Investigators' Note No. 5 and Addendum No. 4).

### **Scene Description**

The OIS occurred inside of the residence located at 309 North Commonwealth Avenue. The location was on the second floor of a two-story duplex, directly above 307 North Commonwealth Avenue. The duplex was mid-block, on the west side of Commonwealth Avenue, north of West Temple Street.

North Commonwealth Avenue was a north/south street that had one lane of traffic for each direction and parking along the east and west curbs. The surrounding area was a mixture of commercial businesses and multi-unit apartment buildings.

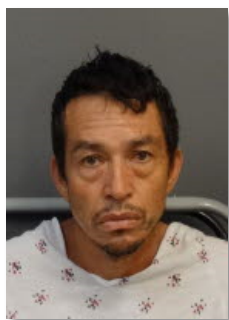
The OIS occurred inside the residence, during the hours of daylight at approximately 1843 hours. The interior of the residence was well illuminated by artificial lighting affixed to the ceiling of the living room and hallway, as well as sunlight entering through the open front door. The exterior environment conditions were dry with clear skies.

### **Canvass for Witnesses**

On July 16, 2019, Rampart Patrol Division and FID personnel conducted a canvass of the area for witnesses to the OIS.

On July 25, 2019, FID personnel conducted an additional canvass of the area. Unless otherwise noted, the statements of all witnesses were recorded, transcribed and are contained in this report. There were no heard only witnesses to this incident.

### **Suspect Description**



**Herbert Calderon Vasquez** was a male Hispanic with brown hair and brown eyes. At the time of the incident, he was five feet, four inches tall, with a weight of 145 pounds. He was 49 years old with a date of birth of January 11, 1970. Vasquez was identified by Criminal Information Index (CII) No. A38475205. Vasquez' criminal history included one misdemeanor arrest for driving under the influence (DUI), on May 6, 2019.

The investigation revealed that Vasquez had one prior contact with the LAPD's Mental Evaluation Unit (MEU) on May 8, 2019, two days after his DUI arrest.

On September 19, 2019, while in custody for this incident, Vasquez was convicted on the DUI charge and was sentenced to 90 days in County Jail (Addendum No. 5).

Los Angeles Police Department (LAPD) Investigative Reports were completed for the crime of Battery against Maria Terrazas and Assault with a Deadly Weapon on a Police Officer against Officer Yah, both naming Vasquez as the suspect (Addendum No. 6).

Force Investigation Division, Criminal Apprehension Team (CAT), Detective II Robert McCarty, Serial No. 31125, completed an Arrest Report for Vasquez, booking him under California Penal Code (PC) Section 245 (C) – Assault with a Deadly Weapon on a Police Officer. Due to the severity of his injuries, Vasquez was not interviewed by investigators.<sup>74</sup> He was absentee booked at the Metropolitan Detention Center (Addendum No. 7).

On July 16, 2019, Detective McCarty presented this case to the Los Angeles County Deputy District Attorney's Office for filing consideration. Deputy District Attorney Stephanie Chavez filed one felony count against Vasquez for Assault with A Deadly Weapon on a Police Officer, 245 (C) PC, and assigned Case No. BA479575.

Los Angeles Police Department Follow-Up Investigation Reports were completed for the crimes against Officer Yah and Maria Terrazas. The Assault with a Deadly Weapon was Cleared by Arrest and the battery charge was Cleared Other – City Attorney Reject (Addendum No. 8).

On August 1, 2019, Vasquez appeared in Department No. 112 of the Los Angeles County Criminal Courts Building for a preliminary hearing and was held to answer on the charge. Vasquez remains in custody, with a pre-trial conference date set for March 19, 2020.

## **Injuries**

On July 16, 2019, at approximately 1849:40 hours, LAFD RA No. 20 and Engine No. 20 received an alarm to respond to 309 North Commonwealth Avenue. At approximately 1855:30 hours, Engine No. 20 arrived at scene followed by RA No. 20 at approximately 1856:10 hours. They rendered aid to Vasquez and transported him to Los Angeles County, University of Southern California Medical Center (LAC+USCMC), where he was admitted by Doctor Shazia Sharf Khan. Force Investigation Division, CAT, Detective II Jorge Cruz, Serial No. 35297, responded to the hospital.

---

<sup>74</sup> Page No. 84 of Vasquez' medical records also indicated that Vasquez informed medical staff that he did not want to participate in an interview with law enforcement personnel.

**Note:** The arrest report erroneously identified Vasquez' doctor as Doctor Eradmadt.

There were no photographers immediately available to respond to the hospital, therefore, Detective Cruz took four photographs of Vasquez' injuries using his personal cellular phone. The photographs are stored under TID No. D0771492.

Vasquez' medical records were subsequently recovered pursuant to a search warrant and reviewed by investigators. Page No. 114 of Vasquez' medical records, indicated that the radiology results detected metallic shrapnel within Vasquez' right hand (Investigators' Note No. 6).

Vasquez sustained wounds/lacerations to his right pinky finger, as well as his left index and middle fingers. The tip of his left index finger was a near complete amputation when he arrived at the hospital. According to Detective Cruz, medical staff were unable to determine if the injuries to Vasquez' hands and fingers were caused by a gunshot wound, the machete he was holding at the time of the OIS, or a combination of both. Vasquez underwent surgery to both hands and the tip of his left index finger was ultimately amputated.

Vasquez also sustained contusions to his left hip/flank area, consistent with 40-millimeter munitions, as well as superficial abrasions to his face and left shin.

On August 9, 2019, Detective McCarty authored a search warrant for Vasquez' medical records. The search warrant was signed by the Honorable Judge Ronald S. Coen, Judge of the Superior Court of California, County of Los Angeles, Central Criminal Court, Department No. 101.

On August 9, 2019, the search warrant was served at LAC+USCMC and Vasquez' medical records were obtained.<sup>75</sup> The search warrant was returned on August 28, 2018 and assigned Search Warrant No. 83204 (Addendum No. 9).

The medical records did not contain a toxicology report, however, they indicated that Vasquez advised medical staff that he had a history of alcohol and substance abuse, including heroin, methamphetamine and marijuana.<sup>76</sup>

## **Evidence**

On July 16, 2019, at approximately 0150 hours, FSD, FAU Criminalists Hafeli, Saucedo, and Munoz, responded to the scene and conducted an examination of the OIS scene

---

<sup>75</sup> Pursuant to the search warrant, LAC+USCMC provided Detective McCarty with a compact disc (CD) containing Vasquez' medical information, that consisted of 116 pages and 25,338 kilobytes (KB) of data.

<sup>76</sup> Vasquez' medical records, Pages 33, 85, and 100.

and 7-Eleven for evidence, including but not limited to ballistic impacts, trajectories, projectiles and forensic evidence.

As a result of their examination, multiple items of evidence were recovered and booked under LAPD DR No. 1902-14930. Included in those items were a kitchen knife, a machete, eight discharged cartridge cases, two 40-millimeter cartridge cases as well as TASER wires and barbs.

There was a total of 52 items of evidence booked in conjunction with this incident (Addenda Nos. 10 and 11).

**Note:** At the conclusion of the incident, Officer Nelson removed wires from his TASER and discarded them in the 7-Eleven parking lot. The wires were ultimately recovered by FSD personnel (Item No. 4).

On August 13, 2019, Detective Rosa completed a request for Serology/Deoxyribonucleic Acid (DNA) Analysis Report, Form No. 12.56.00. Detective Rosa requested the fired bullet (Item No. 18) and Vasquez' machete (Item No. 20) be swabbed for potential biological evidence. He further requested that the swabs collected from the bullet and machete be compared to the reference sample (buccal swab) collected from Vasquez.

The laboratory report was finalized on November 12, 2019 and revealed that blood was not detected on the fired bullet. Due to an insufficient amount of DNA, the swab collected from the bullet was not analyzed.

The swab collected from the machete was consistent with the DNA profile obtained from Herbert Vasquez (Addendum No. 12).

## Weapons



Herbert Calderon Vasquez was armed with a machete and a large knife at the time of the incident. The machete had an overall length of approximately 27-inches, with a 21 ½ inch blade and a black handle.

The machete was recovered in the hallway of 309 North Commonwealth Avenue near the west bedroom.





The knife had an overall length of approximately 13-inches, with an 8 ½ inch blade and a black handle. The knife was inside of a sheath.

The knife was recovered inside the 7-Eleven by Officer Solorio and secured in the trunk of police vehicle, Shop No. 83274.

Officer Barrera was armed with a Department-approved 9-millimeter Smith and Wesson, Model M&P semi-automatic pistol. The pistol was carried in a Department-approved double retention holster. According to Officer Barrera, at the time of the OIS, his pistol was loaded to capacity with 18 rounds of Speer 9-millimeter Luger Department-approved ammunition.

On July 17, 2019, FID Detective II Alberto Rosa, Serial No. 26598, conducted a post-incident examination of Officer Barrera's pistol. Detective Rosa determined the pistol was loaded with one round in the chamber and nine rounds in the magazine.

Detective Rosa also inspected the two magazines that were carried in Officer Barrera's magazine pouch. Both magazines were loaded with 17 rounds of Speer 9mm Luger Department-approved ammunition. The results of the magazine count were consistent with Officer Barrera firing eight rounds during the OIS.

On July 18, 2019, Criminalist Hafeli examined and test-fired Officer Barrera's pistol. The pistol's measured trigger pull was within Department specifications (Addendum No. 13).

On July 19, 2019, FID Detective III Brandy Arzate, Serial No. 34394, verified that Officer Barrera's 9mm Smith and Wesson, Model M&P semi-automatic pistol was entered into the Firearm Inventory Tracking System (FITS) on December 6, 2016.

On July 19, 2019, Department Armorer, Police Officer III Mark Dain, Serial No. 35634, inspected the 40-millimeter launcher and found it functioned properly and was within Department specifications (Addendum No. 14).

### **Firearms Analysis**

On July 17, 2019, Criminalist Hafeli and Saucedo performed a bullet path analysis examination of 309 North Commonwealth Avenue pursuant to the OIS. The criminalists identified 14 impacts with nine corresponding pathways.

Three penetrating impacts (Impact Nos. A-C), were located on the west hallway wall, north of the bedrooms. All three impacts were consistent with a bullet traveling from north to south, east to west, and in a downward direction.

Two perforating impacts (Impact Nos. D and E), were located on the west hallway wall, north of the bedrooms. Both impacts were consistent with a bullet traveling from north to south, east to west, and in a downward direction.

A non-penetrating impact (Impact No. F) was located on the south corner of the west hallway wall, north of the bedrooms. The impact was consistent with a bullet traveling from north to south, east to west, and in a downward direction.

A penetrating impact (Impact No. G) was located on the south hallway wall, between the bedrooms. The impact was consistent with being a secondary impact with a bullet traveling from north to south, west to east, and in an upward direction.

A perforating impact (Impact No. H) was located on the north side of a suitcase, inside of the west bedroom. The bullet traveled through the suitcase and into the south wall of the west bedroom (Impact Nos. H1-H4). The impacts were consistent with a bullet traveling from north to south, east to west, and in a downward direction.

Multiple perforating impacts (Impact No. I) were located on a jacket, near the south wall of the west bedroom. The bullet traveled through the jacket and into the south wall of the bedroom (Impact No. I1). The impacts were consistent with a bullet traveling from north to south. No further directions could be determined due to the condition of the impacts (Addendum No. 15).

On November 20, 2019, Criminalist Hafeli chemically processed and visually examined Vasquez' machete (Item No. 20) for projectile related defects and evidence. The chemical tests were negative and no impacts were observed (Addendum No. 16).

## **Visual Documentation**

### **Digital In-Car Video System (DICVS)**

Multiple police vehicles equipped with DICV responded to the incident, resulting in seven videos. The videos were reviewed in their entirety by FID investigators and determined that they did not capture the OIS or the Non-Categorical Use of Force (NCUOF). However, the following is a synopsis of the DICV that had significant evidentiary value:

The DICV for Officers Pintado and Munoz, Shop No. 87037, captured Officer Carlson and Vasquez running west on the north side of Temple Street and into the 7-Eleven parking lot. The DICV did not capture the Non-Categorical UOF (NCUOF), inside the 7-Eleven.

## **Body Worn Video (BWV)**

There were 20 police officers who activated their BWV at some point during this incident. Those videos were reviewed in their entirety by FID investigators. The following is a synopsis of the videos that had significant evidentiary value:

Officers Barrera and Yah's BWVs captured their response to the scene as well as the OIS and Non-Categorical Use of Force.

Officer Nelson's BWV captured his response to the scene as well as a portion of the OIS and Non-Categorical Use of Force.

Officers Carlson and Williams' BWVs captured their response to the scene as well as a portion of the OIS and Non-Categorical Use of Force.

Sergeant Alfaro's BWV captured his response to the scene, a portion of the OIS and Non-Categorical Use of Force and his command and control efforts during the incident.

Sergeant Emerick's BWV captured his response to the 7-Eleven, and a portion of his command and control efforts with Sergeant Alfaro.

Officer Solorio's BWV captured his response to the scene and the recovery of Vasquez' knife inside the 7-Eleven.

Officers Munoz and Officer Pintado's BWVs captured their response, containment at the 7-Eleven and Vasquez being taken into custody.

Officers Graber and Cross' BWV captured their response to the 7-Eleven, Vasquez being taken into custody, and medical attention Vasquez received by LAFD. Officer Cross activated his BWV inside the RA a second time and captures a portion of the medical attention Vasquez received during his transportation to the hospital. Officer Rossello's BWV captured him receiving the knife recovered by Officer Solorio from inside the 7-Eleven.

Officers Malta and Castaneda's BWVs captured their response to 309 North Commonwealth Avenue to secure the crime scene following the OIS.

Officers Cruz and Cortez' BWVs captured their response to 309 North Commonwealth Avenue to secure the crime scene following the OIS. Their BWVs also depict them responding to the 7-Eleven for a shield request.

## **Social Media:**

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified via social media.

**Other Department Video:**

There were no other Department videos of this incident.

**Outside Video:**

FID investigators identified and obtained two security videos from the 7-Eleven convenience store located at 3555 Temple Street.

The videos were filed under the following TID File Nos:

746748 – Security video from 7-Eleven, depicts three camera views of the store's interior. The videos captured Vasquez and the officers entering the 7-Eleven and setting up containment.

746749 – Security video from 7-Eleven, depicts sixteen camera views of the store's interior. The videos captured Vasquez and the officers entering the 7-Eleven, the deployment of the 40-millimeter Less Lethal-Launcher and Vasquez being taken into custody.

**Photographs:**

Technical Investigation Division Photographers III Eric Hood, Serial No. N5825, Raymond Wong, Serial No. N3127, Henry Wang, Serial No. N5698 and Jennifer Emery, Serial No. N5607, responded to the scene. Photographs of the OIS scene and associated evidence are stored under D Nos. 0769778, 0769780, 0769781, 0769782, and 0769785.

The photographs of Vasquez' injuries taken by Detective Cruz were stored under D No. 0771492.

[...]

**Investigators' Notes**

1. On September 17, 2019, Force Investigation Division (FID) Detective Alberto Rosa, Serial No. 26598, spoke telephonically with Felipe Giron. Giron refused to be formally interviewed by investigators; however, agreed to a non-recorded telephonic interview. Giron denied being assaulted by Vasquez and said he did not witness Vasquez raise his fist or attempt to assault anyone else. According to Giron, he left the premises prior to the OIS and was not witness to the use of force.
2. The female Rampart desk officer was subsequently identified as Police Officer I Jennifer Garcia, Serial No. 43407. According to Officer Garcia, an older Spanish speaking couple came into the station and wanted advice about a landlord/tenant dispute. Officer Garcia determined that there was no crime and provided them with a business card to CD's non-emergency Spanish speaking line. Officer Garcia felt

that the couple could better articulate the information to CD but advised them to stay at the desk until they made the phone call and ensured that a unit would be dispatched to their residence. Officer Garcia further advised she did not activate her BWV for the contact because it was not a criminal investigation and she was just providing advice to the couple. Therefore, there is no BWV of the contact.

3. Officers Yah and Barrera's BWVs captured their initial contact with Witness Alonzo on Oakwood Avenue west of Commonwealth Avenue; however, this initial contact was during the buffering period, and contained no audio. The contact with Alonzo lasted approximately one minute. Both officers activated their BWVs as they were approaching the front of 309 North Commonwealth Avenue on foot.
4. According to Officer Nelson, he loaded one round in the tube of the 40-millimeter launcher at his start of watch before securing it in his vehicle. According to Police Officer III Corey Tomlinson, Serial No. 36291, In-Service Training Division, the 40-millimeter less lethal launcher will be stored unloaded while on patrol and loaded upon arrival to the location of a Code Sam or Code Sam 40 request.
5. The following discrepancies were noted regarding the documentation of the separation and monitoring of officers:
  - Sergeant Driller's Watch Commander's Log, as well as Detective Marino's log indicated Sergeant Alfaro was monitored at Rampart Station at 2000 hours; however, Sergeant Alfaro's log indicated the time as 1955 hours.
  - Detective Marino's log indicated Sergeant Alfaro was interviewed by FID at 0535 hours; however Sergeant Alfaro's log indicated the time as 0530 hours.
  - Sergeant Driller's Watch Commander's Log indicated Sergeant Solis arrived at the station with Officer Barrera at 1932 hours; however, Sergeant Solis' log indicated the time as 1937 hours.
  - Sergeant Driller's Watch Commander's Log indicated Detective Garcia monitored Officers Yah and Nelson. Detective Garcia's log did not indicate the times nor location the officers were separated and monitored.
  - Sergeant Driller's Watch Commander's Log indicated the DOC was notified at 1910 hours; however, the DOC notification log indicated the time as 1912 hours.
  - Sergeant Driller's Watch Commander's Log indicated Sergeant Savedra arrived at the station with Officers Posner, Rossello, Canales, and Arroyo at 2110 hours; however, Sergeant Savedra's log indicated the time as 2115 hours.
6. When Detective Rosa contacted the Pathology Department at USCMC Hospital to request the shrapnel that was removed from Vasquez, he was advised it had not been retained.
7. The investigation revealed the following issues regarding BWV activations:
  - Officer Nelson recorded two BWVs related to this incident. The first video did not capture two full minutes of buffering prior to activation. Officer Nelson powered

off his camera when he went to retrieve the 40-millimeter less-lethal launcher from his vehicle. His second video also did not capture two full minutes of buffering prior to activation.

- Officer Cross had two BWVs related to this incident. His second video did not capture two full minutes of buffering prior to activation. The second video was recorded while Vasquez was being treated in the back of the RA while en route to the hospital, and shut off after approximately 7:47, while still en route.
- Officer Williams had a late BWV activation, and his video did not capture two full minutes of buffering prior to activation.
- Officer Solorio's BWV did not capture two full minutes of buffering prior to activation.
- Officer Munoz' BWV begins on a previous pedestrian stop, unrelated to the OIS, but captures his entire involvement in the events following the OIS. However, his BWV was activated late on the pedestrian stop.
- Officer Castaneda's BWV did not capture two full minutes of buffering prior to activation.
- Officer Cruz' BWV was activated late and did not capture his entire Code Three response.
- Officer Cortez' BWV did not capture two full minutes of buffering prior to activation.
- Officer Posner's BWV did not capture two full minutes of buffering prior to activation.
- Officer Lopez' BWV did not capture two full minutes of buffering prior to activation.

On March 10, 2020, FID, Commanding Officer, Captain III Al Pasos, Serial No. 25501, informed the Director, Office of Operations, Assistant Chief Robert N. Arcos and Commander Michael Rimkunas of these issues.

[This space intentionally left blank.]

## **CHIEF OF POLICE REPORT<sup>77</sup>**

### **Chief of Police Findings**

- **Tactics** – Tactical Debrief, Sergeants Alfaro and Emerick, along with Officers Barrera, Canales, Carlson, Nelson, Williams and Yah Camara.
- **Drawing/Exhibiting** – In Policy, No Further Action, Sergeant Emerick, along with Officers Barrera, Carlson, Nelson, Williams and Yah Camara.
- **Less-Lethal Use of Force** – In Policy, No Further Action, Officers Nelson and Yah Camara.
- **Lethal Use of Force** – In Policy, No Further Action, Officer Barrera.

### **Chief of Police Analysis**

#### **Detention**

- Officers Barrera and Yah Camara responded to a radio call of a 415 man (Vasquez), who was acting erratically, hallucinating, talking to himself, and raising his hand and lunging at the PR as if he was going to strike her. The PR believed Vasquez was possibly under the influence of a narcotic and was in fear for her safety. The PR requested to have Vasquez removed from the apartment. Officers Barrera and Yah Camara entered the residence and attempted to make verbal contact with Vasquez through his closed bedroom door. Vasquez' responses were incoherent. When Officer Yah Camara opened Vasquez' bedroom door, Officer Barrera observed that Vasquez was holding what Officer Barrera perceived as two metal pipes or poles. Officer Barrera requested an additional unit and a supervisor. Additional officers and Sergeant Alfaro responded to the scene. The confined space of the residence placed the officers in close proximity to Vasquez' bedroom when attempting to make contact with him. Officers devised a tactical plan to make contact with Vasquez and determine if he met the criteria for a mental evaluation hold. When Officer Yah Camara opened Vasquez' bedroom door, Vasquez emerged from the bedroom holding a machete in one hand and a large kitchen knife in the other hand. Vasquez lunged in the direction of Officer Yah Camara resulting in an OIS. The sergeants' and officers' actions were appropriate and within Department policies and procedures.

#### **Tactics**

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

---

<sup>77</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

## **Tactical De-Escalation**

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### *Tactical De-Escalation Techniques*

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers Barrera and Yah Camara had previously discussed contact and cover roles, as well as lethal and non-lethal force options. Throughout the incident, the officers demonstrated their ability to pre-plan which began with Officers Barrera and Yah Camara. While they traded off between contact and cover roles when attempting to establish lines of communication with Vasquez, neither officer gave simultaneous commands. While one officer was speaking, the other took on the role of the cover officer. After Officer Yah Camara opened Vasquez' bedroom door and Officer Barrera observed what he perceived to be metal poles or pipes in Vasquez' hands, the officers planned on waiting for additional resources.

Upon the arrival of additional resources, Officer Barrera outlined a tactical plan which included Officer Nelson as the designated less-lethal force option and Officers Carlson and Williams as the designated arrest team. Upon arrival, Sergeant Alfaro took over command and control, re-affirming the tactical plan established by Officer Barrera. After the OIS, Sergeant Alfaro directed Officer Carlson to go to the front of the location and assist in guiding the responding units to the residence. On the recommendation of Officer Barrera, Sergeant Alfaro directed Officers Nelson and Williams to establish containment to the rear of the residence. At the termination of



the foot pursuit, Sergeant Alfaro advised officers to establish containment for each of the aisles inside the store. While inside the store, Sergeant Alfaro designated lethal and non-lethal force options for each aisle. In addition, Sergeant Alfaro formed a tactical team to retrieve the large kitchen knife that Vasquez had placed approximately six feet away from him and a separate contact team to take Vasquez into custody.

**Assessment** – Throughout the incident, officers assessed the actions of Vasquez. After observing what Officer Barrera perceived to be metal poles or pipes, the officers' assessment of the situation led to the request of additional resources. Officer Nelson, who was designated as the less-lethal force option, assessed the confined space of the location and opted to use the TASER over the 40mm LLL. During the OIS, Officer Barrera conducted an assessment after each round was fired. Subsequent to the OIS, Officer Barrera's assessment of the situation caused him to direct Officer Yah Camara to redeploy from the adjacent east bedroom to where the other officers were positioned. When Vasquez fled the location, Officer Carlson assessed that she was in the line of sight of other officers, thereby enabling her to engage in a foot pursuit. Upon arrival at the store, Officer Canales observed that there were multiple officers with their service pistols drawn, causing him to not go further inside of the store. Instead, he took a position behind Officer Nelson while equipped with a TASER in order to have lethal and less-lethal force options available.

Officers Barrera and Yah Camara assessed Vasquez posed a danger to Gutierrez and Padilla. They based their assessment on Gutierrez' statement that Vasquez had been acting erratically all day, hallucinating, and talking to himself. She believed Vasquez was possibly under the influence of narcotics. According to Gutierrez, Vasquez had additionally raised his hand and lunged at them, making movements as if he was going to hit them. Officers Barrera and Yah Camara had discussed the possibility of tactical disengagement, however, based on Vasquez' erratic behavior and possession of two poles, they believed Vasquez posed a danger to Gutierrez and Padilla. Officer Barrera stated he was concerned for Vasquez' mental state and wanted to detain him for a mental evaluation hold. According to Sergeant Alfaro, he also considered the concept of tactical disengagement, but did not find it to be a feasible option given the danger Vasquez posed to the other tenants of Gutierrez and Padilla, who occupied the residence with Vasquez.

**Time** – Officers Barrera and Yah Camara used time to their advantage. They made several attempts to make contact with Vasquez, through his bedroom door, prior to opening it. After observing that Vasquez was possibly armed with poles and closing his bedroom door, the officers contained him to the apartment and made repeated contacts with the PR and witnesses to gather additional information on Vasquez. They inquired if Vasquez had a history of mental illness or if he possessed any weapons. The officers also worked to determine if a crime had occurred. While at the store, the officers did not rush to take Vasquez into custody; instead, officers

established containment and attempted to verbalize to Vasquez. Officers then used cover and time to their advantage, holding their positions in the store until vehicular and pedestrian traffic was stopped in an attempt to avoid any type of crossfire situation.

**Redeployment and/or Containment** – Officer Williams inquired about potential windows in Vasquez' bedroom considering the containment of the location. Immediately following the OIS, Officer Yah Camara redeployed from the adjacent bedroom to where the other officers were positioned, creating distance between himself and Vasquez. On the recommendation of Officer Barrera, Sergeant Alfaro directed Officers Nelson and Williams to establish rear containment of the location. While at the store, officers established containment in each of the aisles with lethal and non-lethal force options, as well as to the rear of the location.

The UOFRB noted that while Sergeant Alfaro later directed officers to the rear of the residence, it would have been preferable if containment was set earlier during the incident. By the time containment was being established, Vasquez had already exited out of his bedroom window and was running from the location.

**Other Resources** – Officer Barrera broadcast a request for an additional unit and a supervisor after observing Vasquez in possession of two possible metal poles. Upon his arrival, Officer Nelson retrieved and deployed a 40mm LLL, which the officers had available during the tactical operation. Subsequent to the OIS, Sergeant Alfaro broadcast the help call requesting additional units. While at the store, officers benefitted from having additional resources at scene which allowed them to establish containment on each aisle, as well as to form tactical teams for the retrieval of the knife and to take Vasquez into custody. Sergeant Alfaro was judicious with his use of those additional units, limiting the number of officers inside the 7-Eleven to a minimum. On the recommendation of Officer Barrera, Sergeant Alfaro requested a ballistic shield to be utilized in taking Vasquez into custody. While inside of the store, officers used the surveillance cameras to their advantage and monitored the movements of Vasquez via the hanging surveillance monitors, which allowed officers to maintain distance between themselves and Vasquez. Sergeant Alfaro requested an RA unit for Vasquez. Los Angeles Fire Department personnel responded to the scene and staged nearby, prior to Vasquez being taken into custody. Sergeant Emerick requested the response of the Metropolitan Division's Special Weapons and Tactics (SWAT) team to respond for a barricaded suspect with a knife.

**Lines of Communication** – Having learned from the PR that Vasquez was a Spanish speaker, Officers Barrera and Yah Camara gave Vasquez commands in Spanish and attempted to open lines of communication. When they were unable to solicit a response, officers varied their commands between Spanish and English in an attempt to gain compliance but were unsuccessful. The officers' compassion was demonstrated in their attempts to create a dialogue with Vasquez. Officer Barrera offered to help Vasquez and Officer Yah Camara offered Vasquez the opportunity to

speaking with a therapist. The active thought processes of Officers Barrera and Yah Camara were demonstrated through their consideration of tactical disengagement. Following the OIS, Officer Barrera verbally ensured that Officer Yah Camara was uninjured. Officers demonstrated clear lines of communication amongst each other at scene, as well as through their broadcasts, by updating responding units of the unfolding status of the incident. Multiple officers attempted to open lines of communication with Vasquez throughout the incident. While at the store, Sergeant Alfaro kept the officers informed of the forthcoming 40mm LLL discharge.

The UOFRB noted that neither Officer Barrera nor Officer Yah Camara advised Sergeant Alfaro of the sound that Officer Yah Camara had described as being consistent with a sword or knife being removed from a sheath. This information may have been beneficial to Sergeant Alfaro's planning during the incident.

The UOFRB noted, and the Chief concurred, that due to the rapidly unfolding nature of this incident, escalated by the deadly actions of Vasquez, the officers had limited time to react. Sergeant Alfaro, along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara were required to make decisions that balanced the safety of the community, their own welfare, and the containment of a dangerous suspect followed by his apprehension.

During the review of the incident, the following Debriefing Topics were noted:

#### **Debriefing Point No. 1                      Contact and Cover Roles**

*The contact officer is the officer initiating an action who becomes responsible for conducting the contact. The cover officer is the officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation.*

*Officer safety is a primary responsibility of all peace officers at all times. The contact officer should never rely solely on the cover officer for protection (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Officers Barrera and Yah Camara switched the role of the contact officer back and forth while attempting to obtain a response from Vasquez. In addition, while Officer Yah Camara had a cover officer positioned down the hallway, he did not have a cover officer positioned next to him in the room adjacent while attempting to open Vasquez' outward opening bedroom door.

The UOFRB noted that Officers Barrera and Yah Camara's actions demonstrated their continued efforts to establish lines of communication with Vasquez and thus de-escalate the situation. The UOFRB noted the empathy demonstrated by the officers towards Vasquez and the officers' continued attempts to complete their investigation. The UOFRB would have preferred that one officer exercised the role of contact officer to eliminate possible confusion. In addition, the UOFRB considered the confined space of the location which limited the ability of the officers to deploy inside of the location.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Barrera and Yah Camara's actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

## **Debriefing Point No. 2      Barricaded Suspects**

*Incidents involving a barricaded suspect present significant safety concerns to first responders, the barricaded individual and the community. To ensure the safety of all involved, these volatile situations often require police to utilize not only special equipment and tactical training, but specific expertise in crisis negotiation. The Department's Special Weapons and Tactics (SWAT) team is equipped and trained to resolve incidents that involve a barricaded suspect.*

*Not all suspects who refuse to surrender are considered barricaded suspects necessitating a SWAT response. A barricaded suspect incident prompting a SWAT response may include, but is not limited to the following criteria:*

- 1. The suspect is probably armed; and*
- 2. Probable cause exists to believe that the suspect has been involved in a criminal act or is a threat to the lives and safety of the community and/or police; and*
- 3. Is in a position of advantage, affording cover and/or concealment; or is contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect; and*
- 4. The suspect refuses to submit to a lawful arrest.*

*Handling barricaded suspects is one of the SWAT team's specific assignments. The SWAT team has a dual role at the scene of a barricaded suspect. They gather information to provide tactical recommendations and solutions to the IC who maintains overall responsibility of the incident. The SWAT team will also employ a tactical plan to capture the barricaded suspect at the IC's request. Once SWAT has been assigned its mission, all tactically deployed personnel shall be guided by the direction of SWAT supervisors.*

*Once the IC believes the incident meets the criteria for a barricaded suspect, the IC shall immediately contact Metropolitan Division's Watch Commander (WC) to request SWAT. The IC should be prepared to answer the who, what, why, when, where, and how questions needed to determine if SWAT's response is warranted (Los Angeles Police Department, Training Bulletin, Volume XLV, Issue 4, Barricaded Suspects – December 2016).*

In this case, Officer Yah Camara pulled Vasquez' bedroom door open. After opening the door, Officer Yah Camara quickly redeployed to the doorway of the east bedroom. As the door opened, Officer Barrera observed Vasquez standing in the bedroom holding what he perceived to be two metal poles or pipes, one in each hand. Officers Barrera and Yah Camara did not recognize that they had a suspect who may have met the criteria for a barricaded suspect. Upon arrival at scene, Sergeant Alfaro was briefed by Officer Barrera regarding metal pipes in Vasquez' hands, however, Sergeant Alfaro did not contact Metropolitan Division's Watch Commander to request additional resources.

The UOFRB noted that when Officers Yah Camara and Barrera initially decided to open Vasquez' bedroom door and carried out their plan, they were not aware that Vasquez was armed. The officers had specifically asked the PR if Vasquez was in possession of any weapons and the PR replied that Vasquez was not. The PR wanted Vasquez to be evicted and the officers were attempting to keep the peace between both parties by making contact with Vasquez even though no crime was reported by the PR. The UOFRB considered that in order to meet the second prong of the barricaded suspect criteria, officers would have to establish that Vasquez was a threat to the lives and safety of the community and/or the police. To do so, officers would need to continue their investigation and make contact with Vasquez.

The UOFRB considered that the officers did not have information regarding Vasquez being armed or having access to weapons. The UOFRB also noted that there were no additional metal pipes or poles found at scene. The machete may have reasonably appeared larger in size when perceived by Officer Barrera.

The UOFRB concluded that the criteria for barricaded suspects was not met in this incident. However, the UOFRB would have preferred that on scene personnel contacted the Metropolitan Division Watch Commander for guidance and advice or to potentially enlist the assistance of the Special Weapons and Tactics (SWAT) Crisis Negotiation Team (CNT).

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Alfaro, along with Officers Barrera and Yah Camara's actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief will direct that the management of a possible barricaded suspect incident be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 3****Back-Up Request**

*This emergency call shall be broadcast when an officer requires additional units immediately, but the situation does not rise to the level where serious bodily injury, death or serious threat to public safety is imminent. The officer requesting shall include the location, followed by the unit designation and all other pertinent information, including the reason for the request (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

In this case, Officers Barrera and Yah Camara did not request a back-up after Officer Barrera observed Vasquez standing in the bedroom holding what he believed were two metal poles or pipes, one in each hand. Instead, Officer Barrera requested for an additional unit and a supervisor for a "415 man."

The UOFRB noted that a back-up request would have been preferable to the additional unit request.

Based on the totality of the circumstances, the UOFRB determined, and the concurred, that Officers Barrera and Yah Camara's actions were reasonable and did he not deviate from approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 4****Tactical Planning**

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

In this case, Officers Barrera and Yah Camara did not wait for their additional units to arrive at scene prior to attempting to open Vasquez' bedroom door after observing the metal pipes or poles. In addition, Sergeant Alfaro along with Officers Barrera, Yah Camara, Nelson, Carlson, and Williams did not establish containment to the rear of the suspect location prior to the OIS.

The UOFRB considered that even though the officers appeared to be addressing a landlord/tenant dispute it would have been preferable to have an additional unit for rear containment. The UOFRB noted it would have preferred Officers Barrera and Yah Camara to have waited for the response of additional units prior to attempting to open the door for the second time. Immediately following the OIS, on the recommendation of Officer Barrera, Sergeant Alfaro directed Officers Nelson and Williams to establish rear containment.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Alfaro, along with Officer Barrera, Carlson, Nelson,

Williams, and Yah Camara's actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

## **Debriefing Point No. 5            Tactical Communication**

*Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training Learning, Domain 22).*

Operational success is based on the ability of the officers to effectively communicate during critical incidents. The officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

Upon arrival at scene, Sergeant Alfaro was briefed by Officer Barrera. Officer Barrera informed Sergeant Alfaro that Vasquez was in possession of two metal pipes. According to Officer Barrera, it slipped his mind to mention the noise heard by Officer Yah Camara which sounded like a sword or a knife being removed from a sheath.

In this case, Officer Carlson believed she broadcast that Vasquez was armed with a knife during the foot pursuit. However, a review of the CD audio and Officer Carlson's BWV recording did not capture her broadcast that Vasquez was armed. The FID investigation determined that at approximately 18:46:12 hours, Officer Carlson can be heard yelling at Vasquez to "Drop it, Drop the machete," in the presence of the first arriving back up unit at the store.

The UOFRB would have preferred that Officers Barrera and Yah Camara emphasized the perceived metal poles or pipes, as well as mentioned the sound heard, in their briefing to Sergeant Alfaro. Additionally, the UOFRB would have preferred that Officer Carlson broadcast information regarding the knife in Vasquez' possession while he fled the OIS scene. This incident rapidly escalated, was dynamic in nature and posed challenges to the involved officers.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Alfaro along with Officers Barrera, Carlson and Yah Camara's actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

## Debriefing Point No. 6

## Tactical Disengagement

*Some situations require an immediate response, while others allow officers the opportunity to communicate with the subject, refine tactical plans, and, if necessary, call for additional resources.*

*Disengagement is the tactical decision to leave, delay contact, delay custody or plan to make contact at a different time and under different circumstances.*

*Tactical situations vary and there is no single solution to resolving every incident. Disengagement is only one of many tactics that should be considered, if feasible, to potentially reduce the intensity of the encounter if believed it would de-escalate the situation and no crime or a minor crime has occurred.*

*Tactical disengagement is one of the tactics that may be considered when an officer reasonably believes that continued contact may result in an unreasonable risk to the subject, the public, and/or Department members, especially in situations involving a barricaded suspect, a suicidal subject or a person believed to be experiencing a mental health crisis.*

*Officers should continually assess the situation as circumstances change and new information is received (Los Angeles Police Department, Training Bulletin, Volume XLVIII, Issue 5, Tactical Disengagement – July 2019).<sup>78</sup>*

According to Officer Barrera, Gutierrez stated Vasquez had been acting erratically all day and believed he was under the influence of narcotics. She stated Vasquez had been hallucinating and talking to himself. According to Gutierrez, Vasquez had raised his hand and lunged at them, making movements as if he was going to hit them. Officers Barrera and Yah Camara discussed the possibility of tactical disengagement, however, based on Vasquez' erratic behavior and being in possession of two metal poles, they believed Vasquez posed a danger to Gutierrez and her husband. Officer Barrera stated he was concerned for Vasquez' mental state and wanted to detain him for a mental evaluation hold. According to Sergeant Alfaro, he also considered the concept of tactical disengagement, but did not find it to be a feasible option given the danger Vasquez posed to the other tenants of Gutierrez and Padilla, who occupied the residence with him.

The UOFRB noted that tactical disengagement was on the forefront of the officers' minds and was considered during the incident. The circumstances of this incident, which rapidly escalated by Vasquez, did not allow for the officers to utilize tactical disengagement to resolve the incident.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Alfaro's actions were reasonable and did not deviate from

---

<sup>78</sup> This source document was published on July 11, 2019.



approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

## **Debriefing Point No. 7            Use of Force Warning**

*An officer shall, when feasible, give a verbal warning prior to using the TASER to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the TASER is fired.*

*The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to "drop the weapon" or "stop what you are doing" followed by a warning similar to "or we may use the TASER, and that may cause you injury" (Los Angeles Police Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).*

*An officer shall, when feasible, give a verbal warning prior to using the 40mm LLL to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the 40mm LLL is fired.*

*The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to "drop the weapon" or "stop what you are doing" followed by a warning similar to "or we may use the 40mm, and that may cause you injury" (Los Angeles Police Department, Use of Force-Tactics Directive No. 17. 40mm Less-Lethal Launcher – July 2018).*

In this case, Officer Nelson did not provide a less-lethal verbal warning prior to the TASER application on Vasquez. According to Officer Nelson, he did not provide a verbal warning because Vasquez was attacking the officers and Officer Nelson was reacting to Vasquez' actions. Officer Nelson reacted immediately to Vasquez' violent actions by discharging the TASER in order to stop his advance with the machetes on the officers. A TASER warning was not feasible given the hasty violent assault by Vasquez.

The UOFRB noted that with his discharge of the TASER, Officer Nelson was responding to Vasquez who was armed with a machete in one hand and a knife in the other while he was moving towards the officers.

Officer Yah Camara did not provide a less-lethal verbal warning prior to the 40mm LLL discharges. According to Officer Yah Camara, he did not give a verbal warning because multiple officers were already giving Vasquez commands to which Vasquez was being non-compliant. In addition, due to Vasquez pacing back and forth, giving Vasquez a warning would have put Officer Yah Camara in a tactically disadvantageous position.

In its review of the 40mm LLL discharges, the UOFRB considered that Vasquez was given a partial warning which fulfilled the “command” portion of the requirement.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Nelson and Yah Camaras’ actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

## **Debriefing Point No. 8                      Apprehension vs. Containment Mode**

***Apprehension versus Containment:*** *There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer’s decision to operate in the apprehension or containment mode are the suspect’s actions, officer’s experience, training, physical fitness level, location and available resources.*

*During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.*

*Officers may make the decision to discontinue a foot pursuit when the tactical situation deteriorates, either officer becomes injured, or effective communication ability is lost (lost or broken radio or dead spot) or at either officers’ discretion. If either of the pursuing officers feels it necessary to end the pursuit, he/she must alert the partner officer quickly to avoid separation.*

*Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in foot pursuit of an armed suspect.*

*If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.*

*When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:*

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident (Los Angeles Police Department, Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

***Pursuing Armed Suspects:*** *When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Sergeant Alfaro, along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara engaged in a foot pursuit of Vasquez, whom they believed was armed with a machete and presented an immediate danger to the community.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, Officer Carlson initiated the foot pursuit because she observed that Vasquez was armed with a machete and wanted to maintain a visual of him. Officer Carlson maintained a line of sight to other officers who were also in close proximity to render immediate aid, if needed. The officers in her line of sight included the officers engaged in the foot pursuit with her, as well as an additional unit responding to the help call. Vasquez was running from a residence and ultimately entered into a store which was occupied by numerous persons.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Alfaro along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara's actions were reasonable and did not deviate from

approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

- **Effective Encounters with Mentally Ill Persons** – The investigation revealed that Sergeant Alfaro, along with Officers Barrera and Yah Camara, heard Vasquez talking to himself and speaking incoherently. This behavior could be consistent with a person suffering from mental illness and/or being under the influence of drugs or alcohol, which led Officers Yah Camara and Barrera to inquire with the residents of the location if Vasquez had any history of mental illness. The residents advised they were unaware that Vasquez suffered from any mental illness. Sergeant Alfaro along with Officers Barrera and Yah Camara implemented their plan to detain Vasquez for a mental evaluation hold, with the intent to contact the Department's Mental Evaluation Unit (MEU) after detaining Vasquez. Sergeant Alfaro along with Officers Barrera and Yah Camara are reminded of the resources available when encountering persons suffering from mental illness, including contacting MEU, for guidance as well as background information of the subject. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Required Equipment** – The investigation revealed that Officer Nelson was not equipped with his side-handle baton. Officer Nelson left his side-handle baton in his police vehicle during the incident. As such, the Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Tactical Communication** – The investigation revealed that while Sergeant Alfaro assumed the duties of an Incident Commander, he did not declare himself as such. The declaration of the role of the Incident Commander can reduce confusion during the management of an incident.

The investigation revealed that Officer Nelson did not advise Sergeant Alfaro of the condition of the loaded 40mm LLL upon transferring it to him prior to exiting the residence to establish rear containment. Being unaware of the condition of the 40mm LLL could increase the probability of an unintentional discharge of the launcher.

Sergeant Alfaro and Officer Nelson are reminded of the importance of effective communication during a tactical incident to reduce possible confusion and improve operational success. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

- **40mm Less-Lethal Launcher (LLL) Manipulations** – The investigation revealed that Officer Nelson loaded one round into the chamber of the 40mm LLL at his start of watch, prior to securing it into his police vehicle. Officer Nelson is reminded of the storage and transportation guidelines relevant to the 40mm LLL. The storage of a

preloaded 40mm LLL may increase the probability of an unintentional discharge. The Chief will direct that this to be a topic of discussion during the Tactical Debrief.

- **Protocols Subsequent to a Categorical Use of Force** - The investigation revealed that Sergeant Alfaro, along with Officers Barrera and Yah Camara left the OIS scene unsecured in order to engage in a foot pursuit of Vasquez. The OIS scene was left unsecured for approximately eight minutes. According to Officer Yah Camara, he left the apartment because he heard fellow officers making contact with Vasquez and was concerned for officer safety, as well as the apprehension of Vasquez.

While this incident involved a rapidly escalating and dynamic situation, personnel are reminded that the preservation of a crime scene, especially one related to an OIS, is imperative to maintain an accurate investigation. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

The investigation revealed that Sergeant Alfaro utilized officers involved in the OIS in the subsequent tactical operations, which ultimately resulted in an additional less lethal UOF. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

The investigation revealed that at the conclusion of the incident, Officer Nelson removed the wires from his TASER cartridge and discarded them in the store parking lot. The preservation of evidence is an important aspect of a complete and transparent investigation. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

## **Command and Control**

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL*

*will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII, Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).*

Officer Barrera was the senior officer of the primary unit. Prior to the arrival of Sergeant Alfaro, Officer Barrera briefed the additional units at scene and established a tactical plan designating Officer Nelson as the less-lethal force option, and Officers Carlson and Williams as the arrest team. In addition, immediately following the OIS, Officer Barrera recommended to Sergeant Alfaro that rear containment be established.

The actions of Officer Barrera were consistent with Department training and met the Chief's expectations of a senior officer at scene during a critical incident.

Sergeant Alfaro arrived at scene in response to the supervisor request. Upon arrival, Sergeant Alfaro was briefed by the primary unit. Sergeant Alfaro designated lethal and non-lethal force options, as well as an arrest team, as part of the tactical plan to detain Vasquez for 5150 WIC, danger to others. After the OIS, Sergeant Alfaro directed officers to the rear for containment and to guide additional resources into the location. Sergeant Alfaro engaged in foot pursuit of Vasquez, along with the officers to maintain command and control of the incident. While at the store, Sergeant Alfaro established tactical plans for containment of the incident, retrieval of Vasquez' weapons, and the taking of Vasquez into custody. Additionally, Sergeant Alfaro directed the discharges of 40mm LLL rounds. Subsequent to Vasquez being taken into custody and the termination of the tactical incident, Sergeant Alfaro took custody of the BWV cameras from Officers Barrera, Yah Camara, and Nelson. Sergeant Alfaro transferred custody of his BWV camera, along with Officers Barrera, Yah Camara, and Nelson's BWV cameras to Sergeant Emerick.

Sergeant Emerick arrived at scene in response to the help call. Upon arrival, Sergeant Emerick met with Sergeant Alfaro and inquired as to where he needed assistance. At the request of Sergeant Alfaro, Sergeant Emerick took a position outside the store in order to observe Vasquez' actions. Sergeant Emerick relayed the information obtained regarding the position of Vasquez and the knife to Sergeant Alfaro. Sergeant Emerick ensured that officers blocked traffic in order to avoid

potential crossfire. Sergeant Emerick declared himself as the IC via his handheld radio and broadcast a request for Metropolitan Division resources. Sergeant Emerick established a CP and obtained a PSS from Sergeant Alfaro, along with Officers Barrera, Yah Camara, and Nelson. Sergeant Emerick took custody of the 40mm LLL from Officer Yah Camara and secured it in his police vehicle. Sergeant Emerick ensured the separation and monitoring of involved officers until the arrival of additional supervision.

In its deliberations, the UOFRB noted that in his management of this complex scene, Sergeant Alfaro had control of the incident, a clear delineation of roles for personnel, and limited the potential for the use of lethal force. Sergeant Alfaro was clear in his communication and directions.

The actions of Sergeants Alfaro and Emerick were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Sergeant N. Driller, Serial No. 33553, Rampart Patrol Division, was the watch commander at the time of the incident; however, he did not respond to the scene.<sup>79</sup>

Lieutenant Fleming arrived at the location in response to the OIS and took over as Incident Commander responsibilities. Lieutenant Fleming ensured the separation and monitoring of involved officers until the arrival of additional supervision.

In reviewing this incident, the UOFRB was critical of Sergeant Driller's lack of response and Lieutenant Fleming's delayed response to the scene. The incident was dynamic and involved a mobile suspect who moved from an initial location to an additional location after the OIS occurred. The UOFRB emphasized the Department's expectation that the watch commander should respond to a critical incident such as this. Furthermore, Sergeant Driller's lack of response and Lieutenant Fleming's delayed response created an undue burden on Sergeant Alfaro at scene.

The actions of Sergeant Driller and Lieutenant Fleming, while not a substantial deviation from Department supervisory training, are worthy of specific discussion with them along with the expectations of the command regarding supervisory responsiveness. In an effort to improve future performance, the Chief will direct Sergeant Driller and Lieutenant Fleming to attend the Tactical Debrief and that Command and Control be a topic of discussion.

---

<sup>79</sup> During the UOFRB, Captain Gonzalez presented that Lieutenant Fleming had coordinated with and advised Sergeant Driller that Lieutenant Fleming would respond to the scene at the completion of roll call.

## **Tactical Debrief**

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeants Alfaro and Emerick, along with Officers Barrera, Canales, Carlson, Nelson, Williams, and Yah Camara's tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief will direct that Sergeants Alfaro and Emerick, along with Officers Barrera, Canales, Carlson, Nelson, Williams, and Yah Camara attend a Tactical Debrief and that the specific identified topics be discussed.

Additionally, although it was determined that Lieutenant Fleming and Sergeant Driller were not substantially involved in this incident and did not receive formal findings, they would benefit from attending the Tactical Debrief. To enhance future performance, the Chief is directing that Lieutenant Fleming and Sergeant Driller also attend the Tactical Debrief.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

## **General Training Update (GTU)**

- On July 25<sup>th</sup>, 2019, Sergeant Alfaro, along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara attended a GTU. All mandatory topics were covered in addition to Barricaded Suspects and Mentally Ill Persons.

## **Drawing/Exhibiting**

- Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate"*



*to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)*

## **Officer Barrera**

### First Occurrence

According to Officer Barrera, when Officer Yah Camara opened Vasquez’ bedroom door, it opened approximately a foot and a half. While standing approximately 10 to 11 feet away, Officer Barrera observed Vasquez wearing a red shirt and what Officer Barrera believed to be two metal poles, one in each hand. Officer Barrera drew his service pistol because he saw that Vasquez was armed with two objects and Officer Yah Camara was in close proximity to Vasquez, approximately three feet away. Officer Barrera believed that Vasquez was going to be “unpredictable” and attack his partner and cause serious bodily injury.

*Officer Barrera recalled, “My partner was in the front. He had a closer view. Maybe he heard something that I didn’t. He ... checked the doorknob, it was unlocked, and he tried to open it. It opened. It cracked maybe a foot and a half. That’s when I saw the suspect male Hispanic rearing [sic] a read [sic] shirt. And what I observed was two metal like poles, one in each hand. But I was maybe feet, 11 feet, 10 feet away ... Well, when he opened the door, what I believed to be two metal poles ... in each hand ... As soon ... as I clearly see the ... two objects in his hand, I unholster because my partner is very, very close ... I think when ... my partner heard me say hey, drop what you have in your hands, my partner quickly backed up to the other room. And I unholstered just because the tight space, and I didn’t know if the suspect was going to approach my partner or not. But then he closes ... the door right away.”<sup>80</sup>*

*“The reason I unholstered my pistol was because I saw the suspect armed with two objects where I reasonably believed were two metal pipes. And then my partner was maybe three feet away from him after he opened the door. And I believed that the suspect ... from the comments of the radio call, he’s already hallucinating. Residents are in fear for their safety. I thought he was going to be unpredictable and attack my partner and cause serious bodily injury.”<sup>81</sup>*

### Second Occurrence

After Officer Barrera observed Vasquez in possession of two possible metal poles, Officer Yah Camara asked Officer Barrera to inquire with the witnesses as to whether Vasquez suffered from a mental illness. Officer Barrera agreed. Officer Barrera holstered his pistol and walked out of the residence, followed by Officer Yah Camara. Witness Padilla advised the officers that Vasquez did not suffer from a

---

<sup>80</sup> Barrera, First Interview, Page 24, Line 23 – Page 25, Line 5, Lines 12-13 and Lines 16-24.

<sup>81</sup> *Id.*, Page 26, Lines 16-24.

mental illness. Officers Barrera and Yah Camara walked back into the residence. Officer Yah Camara knocked on Vasquez' bedroom door and continued to verbalize with Vasquez. While waiting for additional units to arrive Officer Yah Camara advised Officer Barrera that he was going to open Vasquez' door. Officer Barrera advised Officer Yah Camara that he would provide cover and advised Officer Yah Camara to back into the east bedroom once the door was open. Officer Yah Camara opened the door and redeployed into the east bedroom. As the DCO, Officer Barrera drew his pistol, stepped to the left, and utilized the east hallway wall as cover.<sup>82</sup>

### Third Occurrence

According to Officer Barrera, when Officer Yah Camara opened Vasquez' bedroom door, Officer Barrera drew his service pistol after observing that Vasquez was armed with machetes. Officer Barrera redeployed backwards and observed Vasquez raise a machete and come out through the "wedge of the door."

*Officer Barrera recalled, "After ... that, about 15, maybe 10 seconds, ... my partner and I switch. So he gives it an attempt and so I go back to where he's at. He tries to pull and the door pops up, opens. That's when I see the suspect armed with a machete so I redeploy back. And I see my partner backing up right away. And I see the suspect raise the machete, comes out through the wedge of the door fully and ... I drew out as soon as I saw the machetes."*<sup>83</sup>

### Fourth Occurrence

According to Officer Barrera, he observed Vasquez in possession of the knife and drew his service pistol because of Vasquez' actions of pacing back and forth in the store.

*Officer Barrera recalled, "And when I got to the 7-11, I did draw my weapon again ... because the suspect's actions was pacing back and forth."*<sup>84</sup>

*"I saw the knife and he kept pacing back and forth from the aisles."*<sup>85</sup>

---

<sup>82</sup> Officer Barrera did not address this occurrence in his interview, however it was addressed in the FID investigation that Officer Barrera drew service pistol after the discussion between Officers Barrera and Yah Camara that Officer Barrera would be the cover officer.

<sup>83</sup> Barrera, First Interview, Page 45, Lines 11-18 and Line 23.

<sup>84</sup> *Id.*, Page 73, Lines 2-3 and Lines 5-6.

<sup>85</sup> *Id.*, Page 75, Lines 8-9.

## **Officer Yah Camara**

### First Occurrence

According to Officer Yah Camara, he drew his service pistol after he opened Vasquez' bedroom door. Officer Barrera had already advised him that Vasquez was possibly armed with two metal pipes. As Officer Yah Camara opened the door, Officer Yah Camara redeployed backwards toward the room adjacent to Vasquez' bedroom. As he was redeploying, Officer Yah Camara drew his service pistol because Vasquez was possibly armed with two metal pipes and Officer Yah Camara believed at that point, there was a substantial risk where deadly force may be justifiable.

Officer Yah Camara recalled, *"At that point, since the first time I tried, I was like, 'He's holding it.' I was thinking, ... I'm going to pull harder. As soon as I pull, the door opens all the way, I redeployed to the other room ... as I'm redeploying, walking backwards, I unholstered my weapon."*<sup>86</sup>

*"And as I'm like redeploying, I'm unholstered, because at that point, based on what we knew about the suspect at that point, my partner advised me that he was possibly armed with metal pipes. I believe that at that point, there was like a substantial risk ... where deadly force may be ... justifiable."*<sup>87</sup>

### Second Occurrence

According to Officer Yah Camara, he momentarily holstered his service pistol after the OIS in order to sling the 40mm LLL given to him by Sergeant Alfaro. After slinging the 40mm LLL, Officer Yah Camara drew his service pistol once again.

Officer Yah Camara recalled, *"Sergeant Alfaro wanted a unit to the rear ... And Officer Nelson went to the rear with Officer Williams and his partner. At that point, he handed me his 40. I holstered to sling the 40, and I unholstered again."*<sup>88</sup>

## **Officer Nelson**

According to Officer Nelson, he observed customers running out of the store. Officer Nelson ran inside the store which consisted of approximately five to six aisles and observed officers holding individual aisles. Officer Nelson drew his service pistol to hold the aisle one, closest to the door. Officer Nelson drew his service pistol because Vasquez was still armed with his machete and Officer Nelson was designated as the lethal force option for aisle one.

---

<sup>86</sup> Yah Camara, First Interview, Page 13, Lines 18-23.

<sup>87</sup> *Id.*, Page 28, Lines 16-22 and Line 24.

<sup>88</sup> *Id.*, Page 29, Line 22, and Line 24 – Page 30, Line 2.

Officer Nelson recalled, *"By the time I get there, all the customers inside were running out. We run inside ... there's about, I'd say, approximately five aisles, five to six aisles. Everyone is holding an aisle. I pull out my gun. I hold the last aisle, closest to the door... at this point, he's still armed with his machete, so the sergeant say [sic], "Just hold on him." If he comes, I was assigned to be lethal if he comes my way."*<sup>89</sup>

## **Officer Carlson**

### First Occurrence

According to Officer Carlson, as soon as Officer Barrera fired rounds, Officer Carlson drew her service pistol because Vasquez was armed with machetes and deadly force would be a possibility.

Officer Carlson recalled, *"When I heard the gunshots go off I was holstered at that point but as soon as he fired the rounds I unholstered my weapon, finger alongside the frame at a low ready just because at that point based on his statements I knew suspect was armed with machetes and that deadly force would be a possibility."*<sup>90</sup>

### Second Occurrence

According to Officer Carlson, when she heard an officer broadcast that Vasquez was on the roof, she looked up the driveway and observed Vasquez running at her. Based on her knowledge that Vasquez was previously armed with a machete, Officer Carlson drew her service pistol believing that Vasquez still had the machete on him and was armed.

Officer Carlson recalled, *"I heard him put out over the air ... the suspect was on the roof. At that point, I look up the driveway. I see the male ... matching the description that the primary unit gave me running at me. I unholstered my weapon, finger alongside the frame, a low ready just because I knew that previously he was armed with a machete so I believe that he still had the machete on him and was armed."*<sup>91</sup>

### Third Occurrence

According to Officer Carlson, Vasquez made his way into the parking lot of the store and ran at a group of people inside the store. Believing that Vasquez was going to arm himself with the machete and possibly do harm to those people, Officer Carlson

---

<sup>89</sup> Nelson, Page 9, Line 7 – Page 10, Line 3.

<sup>90</sup> Carlson, Page 9, Lines 1-6.

<sup>91</sup> *Id.*, Page 9, Line 21 – Page 10, Line 3.

drew her service pistol and gave Vasquez commands to drop the machete. Officer Carlson drew her service pistol to, if needed, use deadly force in order to preserve the lives of the citizens inside of the store.

Officer Carlson recalled, *"And then he made ... his way into the parking lot of the 7-Eleven. And at that point ... the way he was running ... he was running right at -- I could see there was like a group of five or six people inside. He was running right for the door and I believed he was going to arm himself with the machete and possibly do harm to those people. So, at that point I unholstered again. I gave him commands ... to drop the machete. He ... made his way inside. I holstered again and then put out over the air that we were at the 7-Eleven."*<sup>92</sup>

*"As soon as I saw that he was closing the distance towards the front door of the 7-Eleven and I could tell that was ... his intention was to go inside and I saw the group of people and like I said he had the machete right behind his back. And just the way he was moving I thought he was going to arm himself with the machete and try to hurt the people that are inside ... so for me, drawing my weapon was to try to if I needed to use deadly force in order to preserve their lives so he wasn't able to hurt anyone else."*<sup>93</sup>

#### Fourth Occurrence

According to Officer Carlson, she along with approximately three to four other officers made entry into the store. Once Officer Carlson observed Vasquez, she drew her service pistol to establish containment of him.

Officer Carlson recalled, *"And that [sic] myself and I believe it was like three to four other officers we made entry. And then once I got eyes on him again and held him ... I unholstered at that point."*<sup>94</sup>

#### **Officer Williams**

##### First Occurrence

According to Officer Williams, he drew his service pistol while clearing the room adjacent to Vasquez' bedroom because Officer Williams believed that he might come in contact with an armed suspect and needed to be able to protect himself.

Officer Williams recalled, *"I checked the room to the right when we first entered to the right where the suspect was to make sure it was clear. And at that point I*

---

<sup>92</sup> Carlson, Page 10, Lines 13-23.

<sup>93</sup> *Id.*, Page 24, Lines 13-23.

<sup>94</sup> *Id.*, Page 10, Line 23 – Page 11, Line 1.

*unholstered my weapon when I was clearing the room. It was clear. Then I re-holstered my weapon.”<sup>95</sup>*

*“Because we didn't know if there was somebody -- if the suspect could have entered into that side room. And at that point, we have an armed suspect, so I unholstered, you know, because I thought ... I might come in contact with an armed suspect, needed to be able to protect myself.”<sup>96</sup>*

### Second Occurrence

According to Officer Williams, he drew his service pistol after Vasquez came out of his bedroom armed with two long sharp metal objects, proceeding quickly toward officers. Officer Williams believed that Vasquez would commit serious bodily injury against one of the officers.

Officer Williams recalled, *“When Officer Ya [sic] opened the door, and the suspect came out armed with two long sharp metal objects, came towards Officer Barrera, in which he was already unholstered, and he fired approximately four rounds. At that point, I was standing kind of behind him to the left in small quarters. I unholstered, but I did not draw out. I immediately re-holstered, because there was no way for me to unholster without covering one of the other officers in the room.”<sup>97</sup>*

*“... when the suspect came out with the metal object, I was standing behind -- to the side of Officer Barrera. And then ... I unholstered with my right hand. I pulled it out of my holster, and then I put it back in because ... I couldn't take it out without covering somebody ... I unholstered my gun, completely took it out of my holster and it was pointed at the ground with one hand, and then I put it back in my holster.”<sup>98</sup>*

*The suspect came out of the room ... holding two knives proceeding towards us very quickly, and I believed that he was going to try and commit serious bodily injury against one of the officers. So ... my plan was to draw (inaudible).<sup>99</sup>*

### Third Occurrence

According to Officer Williams, he drew his service pistol when he first entered the store. He was attempting to contain Vasquez because Vasquez was still armed and posing a threat to officers. Additionally, Officer Williams believed that Vasquez could hurt the officers with his weapon.

---

<sup>95</sup> Williams, Page 7, Lines 16-20.

<sup>96</sup> *Id.*, Page 17, Lines 1-6.

<sup>97</sup> *Id.*, Page 8, Line 18 – Page 9, Line 2.

<sup>98</sup> *Id.*, Page 19, Line 23 – Page 20, Line 3 and Lines 11-14.

<sup>99</sup> *Id.*, Page 21 Lines 4-8.

Officer Williams recalled, “... for the third time I unholstered when we first entered the 7-Eleven and ... we had him, you know, contained in there. ... Because he was still armed posing a threat ... to us, to officers and myself... That he could hurt us with his weapon.”<sup>100</sup>

### **Sergeant Emerick**

According to Sergeant Emerick, he was directed by Sergeant Alfaro to position himself and observe Vasquez from the exterior of the store and verbally relay Vasquez’ activity. Sergeant Emerick drew his service pistol because the situation could have escalated to a use of deadly force, not knowing if the suspect was armed with any potential firearms.

Sergeant Emerick recalled, “I went to the area where he said the suspect was pinned down and I removed my gun from the holster just in case the situation could have escalated to a use of deadly force just to get a quick eyes on to see where the suspect was.”<sup>101</sup>

“I also removed my firearm on the approach not knowing if the suspect was armed with any potential firearms.”<sup>102</sup>

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Sergeant Emerick’s, along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara’s Drawing/Exhibiting. The UOFRB conducted a diligent and individual assessment of each officer’s articulation regarding their decision to draw their service pistols and noted that Vasquez’ actions presented a potential deadly threat to the community as well as the officers. The UOFRB considered that for each occurrence of drawing their service pistols, the officers had a reasonable belief that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Sergeant Emerick, along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Sergeant Emerick’s, along with Officers Barrera, Carlson, Nelson, Williams, and Yah Camara’s Drawing/Exhibiting to be In-Policy, No Further Action.

---

<sup>100</sup> Williams, Page 35, Line 25 – Page 36, Line 2, Lines 4-5 and Lines 8-9.

<sup>101</sup> Emerick, Page 7, Lines 4-8.

<sup>102</sup> *Id.*, Page 10, Lines 13-15.

## Use of Force – General<sup>103</sup>

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*
  - *Defend themselves;*
  - *Defend others;*
  - *Effect an arrest or detention;*
  - *Prevent escape; or,*
  - *Overcome resistance*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

---

<sup>103</sup> Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.



## **Less-Lethal Use of Force**

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*
  - *Defend themselves;*
  - *Defend others;*
  - *Effect an arrest or detention;*
  - *Prevent escape; or,*
  - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

*Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.*

*The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:*

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

*Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.*

*An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*The optimal range for the TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish NMI [Neuro-Muscular Incapacitation] (Los Angeles Police Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).*

*An officer may use the 40mm Less Lethal Launcher as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*The minimum recommended deployment range for the 40mm Less Lethal Launcher is five feet, while the effective deployment range is up to 110 feet (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher – July 2018).*

**Officer Nelson** – TASER, one four-second activation in probe-mode, from an approximate distance of nine feet.

According to Officer Nelson, he observed Officer Yah Camara open Vasquez' bedroom door and Vasquez come out of the door holding a machete in each hand. Officer Nelson was next to Officer Barrera, as he redeployed backward. Officer Nelson observed Vasquez holding the machete up, in a position of "readiness." Officer Nelson stated he believed Vasquez was running out of the door and advancing on the officers when he discharged his TASER.

Officer Nelson recalled, *"And then Ya [sic] opens the door, and then ... Barrera backs up to the end of the hallway, and then I'm next to him ... on the left... The suspect comes out the door. I see him holding a machete in each hand wearing a red shirt. It looks like he's running out the door. That's when I shoot my Taser. He was about, I'd say, eight feet away."*<sup>104</sup>

*"He had them up and advancing on us... he's holding it up, like at a readiness, like a downward striking motion would be how he would use it."*<sup>105</sup>

**Officer Yah Camara** – 40mm Less-Lethal Launcher

First Discharge, one 40mm round from an approximate distance of 23 feet.

According to Officer Yah Camara, Vasquez was pacing back and forth inside the store. Vasquez was uncooperative and non-compliant to commands given by multiple officers. Officer Yah Camara knew Vasquez had been armed with machetes at the apartment and was advised by officers that Vasquez was possibly armed with a knife in the store. Officer Yah Camara stated that Sergeant Alfaro also directed the discharge of the 40mm LLL. In addition, Officer Yah Camara stated that Vasquez was still armed with a possible knife in his waistband and wanted to avoid using lethal force to take him into custody. Officer Yah Camara was attempting to de-escalate the situation by discharging the 40mm LLL.

Officer Yah Camara recalled, *"At that point, we see the -- I -- the suspect pacing back and forth, uncooperative, multiple officers ... giving him commands. At that point, I'm assigned to less lethal. I'm assigned the 40. It was the only 40 we had ... at scene. I checked the 40. One round was ... in the chamber. At that point, ... I announce myself that the 40-millimeter is ready. And Sergeant Alfaro behind me gave me the command to deploy the 40 to attempt to stop the suspect ... the suspect's moving back and forth so ... I didn't have a good shot, and I announce, like I tell him, 'I don't have a shot due to the aisles covering him.' ... At one point,*

---

<sup>104</sup> Nelson, Page 7, Line 22 – Page 8, Line 6.

<sup>105</sup> *Id.*, Page 20, Lines 22-23 and Page 21, Lines 16-18.

*he comes out, and then ... I deploy the 40, hitting him in the stomach area. Ineffective.*"<sup>106</sup>

*"He was armed with the machetes and then obviously at the 7-Eleven officers advised ... he was still armed with a possible knife in his waistband ... at that point, I was afraid that we were going to use lethal to apprehend the suspect which I wanted to avoid ... by deploying the 40-millimeter and take him into custody."*<sup>107</sup>

*"Based on training and experience dealing with suspects pacing back and forth at that point his demeanor is telling me that he's either thinking of something to do or at that point he's just quick charge at us while being armed."*<sup>108</sup>

*"At that point, I was trying to deescalate ... the situation by using the 40-millimeter less lethal launcher to try to take the suspect into custody without using lethal."*<sup>109</sup>

Second Discharge, one 40mm round from an approximate distance of 23 feet.

According to Officer Yah Camara, Vasquez continued moving back and forth when Sergeant Alfaro directed Officer Yah Camara to discharge the 40mm LLL for a second time. Officer Yah Camara discharged a second 40mm round because the first one was ineffective and Vasquez was still pacing back and forth while being armed with a knife.

Officer Yah Camara recalled, *"He's moving back and forth. I get another round, put it in the chamber of the 40-millimeter. I'm directed to ... deploy the 40 again ... By Sergeant Alfaro. I don't have a shot. I keep calling ... it when I was like, "Oh, I don't have a shot," ... due to him moving back and forth. At one point, probably like a minute after or like a couple seconds after ... the first shot, I see him. I have a shot. Deploy ... the 40- millimeter. I shoot him again like in the stomach area. Ineffective. He's still move [sic] ... back and forth, not listening to commands the officers ... are giving him."*<sup>110</sup>

*"Because the first one was ineffective and then at that point the suspect was still pacing back and forth while being armed with a knife."*<sup>111</sup>

---

<sup>106</sup> Yah Camara, First Interview, Page 15, Line 19 – Page 16, Line 7 and Lines 9-11.

<sup>107</sup> Yah Camara, Second Interview, Page 14, Lines 14-16, 23-25 and Page 15, Line 1.

<sup>108</sup> *Id.*, Page 15, Lines 14-18.

<sup>109</sup> *Id.*, Page 18, Lines 2-5.

<sup>110</sup> *Id.*, First Interview, Page 16, Lines 11-13, Lines 16-20, Lines 22 – Page 17, Line 2.

<sup>111</sup> *Id.*, Second Interview, Page 16, Lines 15-17.

In its review of the TASER discharge, the UOFRB considered that Vasquez escalated the situation when he exited his bedroom armed with two machetes, and that Officer Nelson discharged the TASER to defend himself, as well as Officers Barrera and Yah Camara from an armed suspect rapidly closing the distance between the officers.

The UOFRB considered several factors during their assessment of the 40mm LLL discharges. The factors taken into consideration included Vasquez previously attempting to attack the officers with two machetes, the continuing threat posed by Vasquez who refused to surrender by evading arrest, and Vasquez still being in possession of the large kitchen knife. The UOFRB noted that those factors amounted to Vasquez violently resisting arrest and posing an immediate threat of violence to the officers, as well as the larger community.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Nelson and Yah Camara, while faced with similar circumstances, would believe that the same applications of less-lethal force would be reasonable to protect themselves and others, as well as to effect the arrest of Vasquez.

Therefore, the Chief found Officers Nelson and Yah Camara's Less-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

## **Lethal Use of Force**

- *Law enforcement officers are authorized to use deadly force to:*
  - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
  - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
  - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

**Officer Barrera** – .45 caliber, eight rounds in two volleys, in a southerly direction from an approximate distance of eight feet.

### First Volley, Rounds One through Six

According to Officer Barrera, when Officer Yah Camara opened Vasquez' bedroom door, Officer Barrera observed Vasquez immediately launch in the direction of Officer Yah Camara, while holding two machetes. Officer Barrera observed

Vasquez swing the machete, which Vasquez held in his left hand, in a forward and up-and-down motion in the direction of Officer Yah Camara, who was approximately three feet away. Believing that Vasquez was going to attack his partner with the machete and cause his partner serious injury, Officer Barrera fired approximately four or five rounds at Vasquez. Officer Barrera fired his service pistol to stop the threat, while assessing after each shot. After each shot fired, Officer Barrera stated he observed that Vasquez was still up and still doing the motions towards Officer Yah Camara.

**Note:** During the UOFRB, FID investigators presented that Officer Barrera fired six rounds from an approximate distance of eight feet. The time that elapsed between Round One and Round Six was approximately two seconds.

Officer Barrera recalled, *"So at one point in time, we set up a plan. My partner and I were the point officers. I had my arrest team, and I had less lethal. We had a 40 less lethal and Sergeant was gonna [sic] be comms. It was ... a tight space. The house was very small so my partner, the best he could reached for the door handle ... Attempted to open it and redeploy. That's when I observed the suspect immediately launch in a direction of my partner holding two machetes. And I heard the clinging metallic noise, and I immediately -- well, before that as soon as I saw the machete coming out, I unholstered, drew my weapon, fired a shot assessing to immediately protect my partner. It was immediate threat ADW ... I fired approximately maybe five, four shots."*<sup>112</sup>

*"After he successfully opened the door, I see immediately the suspect holding on to machetes. He's wearing a red shirt and with his left hand, he swings in the forward -- up-and-down motion machete in the direction of my partner who's maybe three feet away ... It ... was a dark ... full-size machete. Maybe I don't know, three feet, four feet."*<sup>113</sup>

*"I discharged my weapon ... Because I reasonably believed that he was going to attack my partner with the machete. Cause him serious injury."*<sup>114</sup>

*"I was still on target looking at the suspect and on my sight. After each round, the suspect was still up and doing ... the motion towards my partner ... After each shot, ... I kept looking at the suspect ... as soon as I assessed, I kept ... pressing the trigger."*<sup>115</sup>

---

<sup>112</sup> Barrera, First Interview, Page 9, Line 15 – Page 10, Line 5.

<sup>113</sup> *Id.*, Page 48, Lines 20-24 and Page 49, Lines 7-9.

<sup>114</sup> *Id.*, Page 53, Lines 9, 12-13 and 15.

<sup>115</sup> *Id.*, Page 54, Lines 10-13 and 16-18.

## Second Volley, Rounds Seven and Eight

According to Officer Barrera, Vasquez retreated back into the bedroom after the first volley of shots fired. Approximately half a second later, Vasquez came back out in the direction of Officer Yah Camara while still having control of the machetes. Believing that Vasquez could seriously injure his partner, Officer Barrera fired two rounds at Vasquez to stop the threat. After the final round, Vasquez dropped the machete and immediately closed the door.

**Note:** During the UOFRB, FID investigators presented that approximately two seconds after Officer Barrera's First Volley, Officer Barrera fired two additional rounds from an approximate distance of seven feet. The time that elapsed between Round Seven and Round Eight was approximately one second.

The total time elapsed between Round One and Round Eight was approximately five seconds.

Officer Barrera recalled, *"At one point in time, the suspect retreated back into the bedroom maybe half a second, and he came back up, and that's when I shot approximately two more shots after that. And after the second -- the last shot, ... I discharged. He dropped the machetes and he immediately closed the door, and we lost sight of him after that. I believe if I had not discharged my weapon, he could have in the close proximity that the bedroom where my partner was getting covered to the bedroom where the suspect was, he could have seriously hurt my partner."<sup>116</sup> He still had control ... of the machetes. After ... I had discharged, he backed up into the bedroom so ... I kind of -- I pried out, and ... he came back out still in the direction of my partner. That's when I discharged another two rounds, and he dropped one of the machetes from his left hand, but then he closed the door."<sup>117</sup>*

*"After ... he retreated, I told him to drop the machete in Spanish, and he came back out again ... still armed."<sup>118</sup>*

*"Came back out armed with a long sharp object and then took a step towards my partner who was still in the same position from previous when he repositioned to the bedroom ... Still armed with the two machetes in his hand. The two sharp -- one machete and the other sharp object in his hand."<sup>119</sup>*

---

<sup>116</sup> Barrera, First Interview, Page 10, Lines 5-14.

<sup>117</sup> *Id.*, Page 53, Lines 19-25.

<sup>118</sup> *Id.*, Page 54, Lines 21-23 and Line 25.

<sup>119</sup> *Id.*, Page 57, Lines 4-7 and Lines 11-13.

In this case, the UOFRB conducted a thorough review of the incident. During their review, the UOFRB took into consideration that Vasquez was in possession of a machete and a large kitchen knife. Vasquez rapidly escalated the incident when he exited his bedroom, lunging towards officers with an edged weapon in each hand. The UOFRB noted that Officer Barrera used lethal force to prevent serious bodily injury to himself and his partner.

The UOFRB noted that Officer Barrera continued to assess after firing each round and observed that the machete was in Vasquez' hand after firing each round. Officer Barrera continued to fire to stop the threat. In addition, UOFRB noted that when Vasquez retreated, Officer Barrera immediately ceased firing. Officer Barrera reengaged Vasquez when he came back out of the bedroom with the machetes, while rapidly approaching the officers.

The incident rapidly escalated due to Vasquez' actions. The UOFRB considered the minimal amount of time which Officer Barrera had to make decisions based on the imminent threat posed by Vasquez to Officer Yah Camara, due to the confined space of the residence. The UOFRB noted that Officer Barrera articulated his perception of an imminent threat, when Vasquez, armed with a machete and a large kitchen knife, lunged in the direction of Officer Yah Camara. Officer Barrera specifically articulated his reason for the use of lethal force, which was to defend his partner. The UOFRB also considered Officer Barrera's assessment of Vasquez' actions between each discharged round.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Barrera, would reasonably believe Vasquez' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Barrera's Use of Lethal Force to be In Policy, No Further Action.

### **Additional/Required Equipment**

- **Front Desk Procedures** – The investigation revealed that Officer J. Garcia, Serial No. 43407, Rampart Patrol Division, was assigned as the Rampart Front Desk Officer on July 16<sup>th</sup>, 2019.<sup>120</sup> Officer Garcia did not enlist the assistance of a Spanish speaking officer nor contact the Communications Division Language Bank to assist in her interaction with the Spanish speaking PR. According to Officer Garcia, an older Spanish speaking couple came into the station and sought advice regarding a landlord/tenant dispute. Officer Garcia determined that there was no crime and provided them with a business card to CD's non-emergency Spanish

---

<sup>120</sup> At the time of the incident Officer Garcia was a probationary officer with approximately one year in the field.

speaking line. According to Officer Garcia, she felt that the couple could better articulate the information to CD but advised them to stay at the front desk until they completed the phone call and ensured that a patrol unit would be dispatched to their residence. This issue was brought to the attention of Captain Gonzalez, Serial No. 34703, Commanding Officer, Rampart Patrol Division, who advised that this issue was addressed through the issuance of an Employee Comment Sheet and the generation of a Supervisory Action Item (SAI). The Commanding Officer of Operations - Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

- **Body Worn Video Activation** – The investigation revealed that Officer Garcia did not activate her BWV camera during the interaction with the PR at the front desk at Rampart CPS. Officer Garcia stated that she did not activate her BWV camera for the contact because the contact did not involve a criminal investigation and Officer Garcia was only providing advice to the couple.

The investigation revealed that Officers Barrera and Yah Camara did not activate their BWV cameras during the interaction with the PR. According to Officer Yah Camara, he did not activate his BWV camera at the time because he and his partner were flagged down, and he deemed the interaction to be a consensual encounter.

The investigation revealed that Officers Cross and Graber powered off their BWV cameras at scene while LAFD personnel conducted a medical assessment of Vasquez in the RA prior to transportation.

The investigation revealed that Officer Cross deactivated his BWV camera prior to the completion of Vasquez' transport to LAC+USCMC while Officer Cross was inside of the LAFD RA.

The investigation revealed that Officer Nelson captured two BWV recordings related to this incident. Officer Nelson's BWV camera was in the powered off mode immediately preceding its activation upon arrival at scene. Therefore, the first video recording did not capture the two full minutes of buffering prior to activation. In addition, Officer Nelson powered off his BWV camera as he exited the PR's residence to retrieve the 40mm LLL from his police vehicle. Therefore, his second video recording did not capture the two full minutes of buffering prior to activation as well.

The investigation revealed that Officer Williams' BWV camera was in the powered off mode immediately preceding its activation inside the PR's residence. Therefore, his BWV recording did not capture the two full minutes of buffering prior to activation. In addition, Officer Williams' BWV camera was activated late and did not capture the primary unit's briefing of the incident.



The investigation revealed that Officer Cruz' BWV camera was activated late and did not capture the audio of the initial portion of his emergency response driving.

The investigation revealed that Officers Castaneda, Cortez, Posner, and Solorio's BWV cameras were in the powered off mode immediately preceding their response to the OIS scene. Therefore, their BWV recordings did not capture two full minutes of buffering prior to activation.

The investigation revealed that Officer Munoz' BWV recording of this incident began on a previous pedestrian stop, unrelated to the OIS, but captured his involvement in CUOF incident in its entirety. Officer Munoz' BWV was in the powered off mode prior to the initiation of the recording of the unrelated pedestrian stop. Therefore, the BWV recording did not capture the two full minutes of buffering prior to activation during the pedestrian stop. Officer Munoz activated his BWV camera approximately thirteen seconds after the initiation of the unrelated pedestrian stop.

The aforementioned BWV activation issues were brought to the attention of Captain Gonzalez. Rampart Area completed an analysis and found that the officers mentioned above had no prior BWV related issues. As a result, Captain Gonzalez advised that these issues were addressed through the issuance of an Employee Comment Sheet and the generation of a SAI for each officer. In addition, Captain Gonzalez, along with Captain A. Lopez, Serial No. 30243, Commanding Officer, Rampart Area, attended numerous roll-calls over the past year explaining and reinforcing the importance of BWV. The commanding officers also held two formal supervisory meetings in addition to the monthly deployment meetings with the Area watch commanders where they discussed BWV policies and procedures. The Commanding Officer of OCB and the Director of OO concurred with these actions. As such, the Chief deemed no further action is necessary.

**Note:** The Office of Operations is currently tasked with eliminating deviations from Department policy with regard to BWV and Digital In-Car Video System (DICVS). As part of this ongoing project, OO is revising current inspection procedures to establish consistency in inspection standards and reporting amongst all four geographic bureaus, as well as developing methods to ensure compliance with Department policy. The Office of Operations is establishing a working group with additional representatives from Employee Relations Group (ERG), the Office of the Los Angeles City Attorney, and the Office of the Inspector General (OIG) to develop additional methods to reduce deviations.

- **Watch Commander's and Supervisor's Daily Reports** – The investigation revealed that the Watch Commander's Daily Report completed by Sergeant Driller indicated that Detective Garcia monitored Officers Yah Camara and Nelson. Detective Garcia's log did not indicate the times, nor location, the officers were separated and monitored. This issue was brought to the attention of Captain Gonzalez, who advised that this issue was addressed through the issuance of an

Employee Comment Sheet and generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that the Watch Commander's Daily Report completed by Sergeant Driller, as well as, the Sergeant's Daily Report completed by Detective Marino indicated that Sergeant Alfaro was monitored at Rampart CPS at 2000 hours; however, the Gang Enforcement Detail - Supervisor's Daily Report completed by Sergeant Alfaro indicated the time of monitoring was 1955 hours.

The Sergeant's Daily Report completed by Detective Marino indicated that Sergeant Alfaro was interviewed by FID at 0535 hours; however, the Gang Enforcement Detail - Supervisor's Daily Report completed by Sergeant Alfaro indicated the time of the interview was 0530 hours.

The Watch Commander's Daily Report completed by Sergeant Driller indicated Sergeant Solis arrived at Rampart CPS with Officer Barrera at 1932 hours; however, the Sergeant's Daily Report completed by Sergeant Solis indicated the time of arrival was 1937 hours.

The Watch Commander's Daily Report completed by Sergeant Driller indicated Sergeant Savedra arrived at Rampart CPS with Officers Posner, Rossello, Canales, and Arroyo at 2110 hours; however, the Sergeant's Daily Report completed by Sergeant Savedra indicated the time of arrival was 2115 hours.

The Watch Commander's Daily Report completed by Sergeant Driller indicated the DOC was notified at 1910 hours; however, the DOC notification log indicated the time of notification was 1912 hours.

The aforementioned inconsistencies in the documentation of time were brought to the attention of Captain Gonzalez, who advised that these issues were addressed through an informal meeting with Rampart Area supervisors. The supervisors were advised to use the same method of time keeping to ensure consistency in documentation. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

### **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS)** – Rampart Area police vehicles were equipped with DICVS. The DICV recording from Officers Pintado and Munoz' police vehicle captured Officer Carlson and Vasquez running west on the north side of Temple Street and into the 7-Eleven parking lot.
- **Body Worn Video (BWV)** – Rampart Area personnel were equipped with BWV. There were multiple officers who activated their BWV cameras during this incident.

Officers Barrera and Yah Camara's BWVs captured the OIS, Less-Lethal Use of Force, and portions of the Non-Lethal Use of Force. Officers Nelson, Carlson, and Williams' BWV captured portions of the OIS, Less-Lethal Use of Force, and Non-Lethal Use of Force. Sergeant Alfaro's BWV captured portions of the OIS, Less-Lethal Use of Force, and Non-Lethal Use of Force, as well as his command and control actions during the incident. Sergeant Emerick's BWV captured a portion of his command and control actions.

- **Outside Video** – Two security camera videos from the 7-Eleven convenience store located at 3555 Temple Street were identified and obtained by FID investigators. One security video depicts three camera views of the store's interior, while the other depicts sixteen camera views of the store's interior. The videos captured Vasquez and the officers entering the store, officers setting up containment, the deployment of the 40mm LLL, and Vasquez being taken into custody.

### **Chief's Direction**

- To enhance the future performance and increase awareness, the Chief instructed the Director of OO to remind Department personnel of the principals and guidelines with regard to Training Bulletin, Volume XLVII Issue 5, Tactical Disengagement, which was first published on July 11, 2019. This reminder will include an emphasis of the procedures to consult additional Department resources including the Mental Evaluation Unit (MEU) Watch Commander or the Metropolitan Division Watch Commander, when the criteria for such consultation has been achieved.

[This space intentionally left blank.]

## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- The OIG concurs with the Chief's analysis.

#### **Tactical De-Escalation**

- As noted in the Chief's analysis of Officers Barrera and Yah Camara's tactics, the officers did not wait for additional units to arrive at the scene prior to attempting to open Vasquez's bedroom door and after Vasquez had been observed in possession of items perceived to be metal pipes or poles. In this regard, the officers did not take full advantage of available time or the additional resources that were already en route. As such, their decision to open the bedroom door was not consistent with the principles established by de-escalation training. The OIG recommends that this issue be addressed during the Tactical Debrief.

[This section intentionally left blank.]

## BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
42791	Jose Barrera	Y	Y	Y	NA	NA
42823	Ruben Yah	Y	Y	Y	NA	NA
42809	Patrick Nelson	Y	N	N	NA	NA
43112	Brenna Carlson	Y	N	Y	NA	NA
41952	Dean Williams	N	N	Y	NA	NA
38481	Brian Alfaro	Y	Y	Y	NA	NA
31560	Juan Emerick	Y	Y	Y	NA	NA
36103	Robert Solorio	Y	N	Y	NA	NA
41026	Eduardo Munoz	Y	Y	Y	Y	Y
39943	Kenny Pintado	Y	Y	Y	Y	Y
38847	Shawn Graber	Y	Y	Y	NA	NA
41102	Terrance Cross	Y	N	N	NA	NA
43151	Alexander Rossello	Y	Y	Y	NA	NA
43255	Justo Malta	Y	Y	Y	NA	NA
37223	Jose Castaneda	Y	N	Y	NA	NA
37894	Paul Cruz	N	Y	Y	NA	NA
43400	Brenda Cortez	Y	N	Y	NA	NA
41650	Rodolfo Lopez	Y	N	Y	NA	NA
42995	Andrew Posner	Y	N	Y	NA	NA

### Additional

- Based on the available evidence, it appears that Officer Yah may have lacked a legal basis for conducting what amounted to visual entry searches of Vazquez's bedroom when he opened the door to that room on more than one occasion. The precise details of the landlord-tenant arrangement between Gutierrez/Padilla and Vazquez are not known, but it is generally the case that a landlord does not have the authority to consent to a search of the premises occupied by his/her tenant. In this instance, it is not clear whether Gutierrez and/or Padilla exercised any dominion over the room that Vazquez was renting from them, although it appears unlikely given that Padilla informed Officer Yah that Vazquez's door was locked, yet he (Padilla) apparently made no indication that he possessed a key with which the door could be unlocked.

The OIG recommends that the Tactical Debrief of this incident include a discussion of the justification required for a search of a location such as a rented room within a residence.

## **Inspector General Recommendations**

### **Tactics**

- The OIG concurs with the Chief's findings.

### **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

### **Less-Lethal Use of Force**

- The OIG concurs with the Chief's findings.

### **Lethal Use of Force**

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "M. P. Smith". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark P. Smith  
Inspector General